Agenda Item #:

### **PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS** AGENDA ITEM SUMMARY

Meeting Date: 02/2	7/2007	[ X ] Consent [ ] Workshop	[ ] Regular [ ] Public Hearing	
Department: Submitted By: Submitted For:	***************************************	ning, and Building ning, and Building	the state of the s	
		I. EXECUTIVE	======================================	

Motion and Title: Staff recommends motion to: A) adopt resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting County tax exemptions for a total of ten (10) historic properties. Ten (10) historic properties located within the City of West Palm Beach; and B) approve restrictive covenants for each historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

Summary: The resolutions will authorize a County tax exemption for the following historic properties located within the City of West Palm Beach:

Address: Property Owner List Address: 221 Greenwood Drive Address: 209 Wenonah Place Address: 731&735 Palm Street Address: 738 Newark Street Address: 125 East Lakewood Rd Address: 214 East Lakewood Rd Address: 340 Greymon Drive Address: 290 Flamingo Drive Address: 428 37th Street Address: 533 Clematis Street

If granted the tax exemption shall take effect January 1, 2007, and shall remain in effect for ten (10) years, or until December 31, 2016. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. (Please see attached resolutions.) Based on the 2007 millage rate, it is estimated that approximately \$18,823.77 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. Districts 2 and 7 (RB)

Background and Justification: On October 17, 1995, the BCC adopted a historic property tax exemption ordinance, Ordinance No. 95-41, applicable countywide. (Continue on page three)

Attachments: Resolutions (2 copies), Restrictive Covenant (1 copy) and City of West Palm Beach historic tax exemption resolution (1 copy) for the following:

Exhibit A: Property Owner List Exhibit B: 221 Greenwood Drive Exhibit C: 209 Wenonah Place Exhibit D: 731&735 Palm Street Exhibit E: 738 Newark Street Exhibit F: 125 East Lakewood Rd Exhibit G: 214 East Lakewood Rd Exhibit H: 340 Greymon Drive Exhibit I: 290 Flamingo Drive Exhibit J: 428 37th Street Exhibit K: 533 Clematis Street

	A	
Recommended By:	Bulw atter	1/31/07
	Exegutive Director	'Datte, '
Approved By:	WROLL	2/20/07
	Deputy County Administrator	Date /

### II. FISCAL IMPACT ANALYSIS

A. FI	ve Year Summary o	ot Fiscai impa	act:			
Fisca	l Years	20 <u>07</u>	20 <u>08</u>	20 <u>09</u>	20 <u>10</u>	20 <u>11</u>
Capit	al Expenditures					
Exter Progr In-Kir	ating Costs nal Revenues ram Income (Count nd Match (County) FISCAL IMPACT	(8,824 — (8,824 —				<b>→</b> <b>→</b>
	DITIONAL FTE SITIONS (Cumulativ	e)				
ls Iter Budg	n Included In Curre et Account No.:	ent Budget?Y Fund	es No _ Departmer	o nt Uni	t Obj	ect
Repo	rting Category					
B.	Recommended So	ources of Fur	nds/Summar	y of Fiscal Im	pact:	
	There is no direct fisct tax exemption for this revenue is to be reduestimated improvement Based on the 2007 exempted annually.	property. The uced at most by ent costs attribu	overall County the tax on the ted solely to wo	impact is a redu improvements ork on these his	uction of collecta made to each toric buildings to	able taxes. Tax structure. The otals \$4,137,093.
C.	Departmental Fisc	cal Review:	fat s	D'agostin	40_	
		ī	III. <u>REVIEW (</u>	COMMENTS		
A. B.	OFMB Fiscal and/ Jotol Of 188, 2 is only for 1  OFMI  Legal Sufficiency:	237.7 WW the improve 2-7-07 B 107/01/01/1	be exer	nped to	Joyea Joseph	-2-19/01
	Assistant County	) DS	V <del>?</del>			
C.	Other Department	Review:				
	Donartment Direct					

### (Continued from page one.)

The ordinance allows a qualifying local government to enter into an interlocal agreement with the County to perform review functions necessary to implement the ordinance within its municipal boundary. An Interlocal Agreement was approved by the BCC on April 2, 1996, R 96 442 D, authorizing the City of West Palm Beach Historic Preservation Board to perform the required review to implement the tax exemption ordinance on improvements to historic landmark properties within the City.

Each historic property has filed preconstruction applications and final applications with the City of West Palm Beach Historic Preservation Board. Following review of the completed improvements the city's Historic Preservation Board determined the improvements were consistent with the U.S. Secretary of Interior's Standards for Rehabilitation and recommended approval for tax exemption. The West Palm Beach City Commission then granted an ad valorem City tax exemption to each historic property.

All ten (10) of the properties are privately owned residences.

Copies of the City of West Palm Beach Historic Preservation Board Applications, and other back-up information for each of the ten (10) properties is available for review at the County's Planning Division.

### **EXHIBIT A**

### 2007 City of West Palm Beach Historic Property Tax Exemption

### **Property Owner - Address - Use of Building**

Owner:

Mr. Scott and Jennifer Hendrix

Property:

221 Greenwood Drive

West Palm Beach, Fl 33405

Use:

Residential

Owners:

Mr. Isidro Gonzalez-Lopez & Ms. Lavinia Draper

Property:

209 Wenonah Place

West Palm Beach, FI 33405

Use:

Residential

Owner: Property:

Mr. Marvin Bussey 731 & 735 Palm Street

West Palm Beach, FI 33401

Use:

Residential

Owner:

Kellie Allison

Property:

738 Newark Street

West Palm Beach, FI 33401

Use:

Residential

Owners: Property:

Mr. Claes and Edith Bjork 125 East Lakewood Road

West Palm Beach, Florida 33405

Use:

Residential

Owner:

Mr. Raymond and Susan Buza

Property:

214 East Lakewood Road West Palm Beach, FI 33405

Use:

Residential

Owners:

Mr. Arthur and Lisa Schofield

Property:

340 Greymon Drive

West Palm Beach, Florida 33405

Use:

Residential

Owner:

Cameron and Julia Miller

Property:

290 Flamingo Drive

West Palm Beach, FI 33401

Use:

Residential

Owner:

Mr. David Borten 428 37<sup>th</sup> Street

Property:

West Palm Beach, FI 33407

Use:

Residential

Owner:

Mr. Glenn S. Frechter Managing Member 533 Clematis Street

Property:

West Palm Beach, FI 33401

Use:

Commercial

### **EXHIBIT B**

### 221 Greenwood Drive West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach
Tax Exemption Resolution for
221 Greenwood Drive
(Case No. 03-121)

### **RESOLUTION NO. R-2007-**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 221 GREENWOOD DRIVE, WEST PALM BECH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Scott Hendrix and Jennifer Hendrix, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on December 15, 2004, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 221

Greenwood Drive, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on September 26, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Scott Hendrix and Jennifer Hendrix, for the restoration, renovation, and improvement to the property located at 221 Greenwood Drive, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on November 6, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Scott Hendrix and Jennifer Hendrix for the restoration, renovation, and improvement to the property located at 221 Greenwood Drive, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Scott Hendrix and Jennifer Hendrix, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 221 Greenwood Drive, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 03-121:

Lots 10 and 11, block 2, Southland Park, according to the Plat thereof, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 9, page 18.

2. Prior to the ad valorem tax exemption described herein being effective, Scott Hendrix and Jennifer Hendrix shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of

Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner	
who moved its adoption. The motion was seconded by Commissioner	
and upon being put to a vote, the vote was as follows:	

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of			, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY: ( Loto US)	BY:		
Asst. County Attorney	<u></u>	Deputy Clerk	

### DOS Form No. HR3E111292

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT
This Covenant is made this day of
The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows (include city reference, consisting of repository, book, and page numbers:
Lots 10 and 11, Block 2, Southland Park, According to the Plat thereof on file in the office

of the Clerk of the Circuit Court in and for Palm Beach County, Florida as recoded in Plat Book 9, page 18. In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2007 to

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street West Palm Beach, Florida 33401 Telephone Number: (561) 659-8031

December 31, <u>2016</u>

preservation ordinance.

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of

care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):		
<u>Scott Hendrix</u> Name	Signature	
<u>Jennifer Hendrix</u> Name	Signature Signature	<u> </u>
IN WITNESS WHEREOF caused this Agreement.	F, the Owner and Local Governn	nent have executed or have
ATTEST:		
	PALM BEACH COUNT BY ITS BOARD OF CO	Y, FLORIDA DUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY: Deputy Clerk	BY:Ch	airman
APPROVED AS TO FOR LEGAL SUFFICIENCY BY: County Attorney	M AND	

STATE OF FLORIDA

COUNTY OF PALM BEACH

My Commission Expires:

Oct. 5, 2010

The foregoing institution was acknow	ledged before me this day of,
200_, by	, who are personally known to me or who
	, and,
	ation) (if left blank personal knowledge existed) as
aorianoanori,	
	• •
	Rachel Williamson
	Notary Public State of Florida
	Notary Print Name:
	Rachel Williamson

NOTARY PUBLIC-STATE OF FLORIDA
Rachel Williamson
Commission # DD587408
Expires: OCT. 05, 2010
BONDED THRU ATLANTIC BONDING CO., INC.
(NOTARY SEAL)

### **EXHIBIT C**

### 209 Wenonah Place West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 209 Wenonah Place (Case No. 03-213)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC REHABILITATION OF PROPERTY LOCATED AT 209 WENONAH PLACE, WEST PALM BEACH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Isidro Lopez and Lavinia Draper, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on December 17, 2003, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 209 Wenonah Place, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on June 27, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Isidro Lopez and Lavinia Draper, for the restoration, renovation, and improvement to the property located at 209 Wenonah Place, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on September 25, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Isidro Lopez and Lavinia Draper for the restoration, renovation, and improvement to the property located at 209 Wenonah Place, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Isidro Lopez and Lavinia Draper, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 209 Wenonah Place, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 03-213:

Wenonah Place East 24 Feet of Lot 10 and West 43 Feet of Lot 11 Block 1 according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book X, page X.

2. Prior to the ad valorem tax exemption described herein being effective, Isidro Lopez and Lavinia Draper shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of

Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner	
who moved its adoption. The motion was seconded by Commissioner	
and upon being put to a vote, the vote was as follows:	

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of		-	, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY: NOW ALL	BY:		
Asst. County Attorney		Deputy Clerk	

### DOS Form No. HR3E111292

### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	day of		, 2007, by
Isidro Lopez and Lavinia Draper (he	ereinafter referre	ed to as the Own	er) and in favor of Palm
Beach County (hereinafter referred	d to as the Loca	al Government)	for the purpose of the
restoration, renovation or rehabilita	ition, of a certai	n Property locate	ed at
209 Wenonah Place, West Palm Be	each, 33405 wh	ich is owned in fe	ee simple by the Owner
and is listed in the National Regist	ter of Historic F	laces or locally	designated under the
terms of a local preservation ordina	nce or is a cont	ributing property	to a National Register
listed district or a contributing pro-			
preservation ordinance. The area	s of significand	e of this prope	rty, as defined in the
National Register nomination or loc			
which it is located are <u>x</u> arc			

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows (include city reference, consisting of repository, book, and page numbers:

Wenonah Place East 24 Feet of Lot 10 and West 43 Feet of Lot 11, Block 1 of Palm Beach County.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2007 to December 31, 2016

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own

property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):		
Isidro Lopez Name	Signature	1-18-07 Date 1-18-07
Lavinia Draper Name	M/M/A DAGE Signature	<i>1</i> <u>−18-07</u> Date
IN WITNESS WHEREOF, the Overall caused this Agreement.	wner and Local Government	have executed or have
ATTEST:		
	PALM BEACH COUNTY, F BY ITS BOARD OF COUN	
Sharon Bock, Clerk		
BY:	BY:	
Deputy Clerk	Chairm	an
APPROVED AS TO FORM AND LEGAL SUFFICIENCY  BY: County Attorney		

STATE OF FLORIDA

**COUNTY OF PALM BEACH** 

The foregoing instrument was acknowledged before me this 18th day of Concerns and 18th day of 200], by FLDL DGL53865660, who are personally known to me or who
have produced FLDL 616528656660, and NA,
respectively, (indicate form of identification) (if left blank personal knowledge existed) as
identification.

Notary Public State of Florida

Notary Print Name:
VERNIE Sullivau

My Commission Expires:

(NOTARY SEAL)



### **EXHIBIT D**

### 731 & 735 Palm Street West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 731 & 735 Palm Street (Case No. 01-101A)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC **REHABILITATION** OF PROPERTY LOCATED AT 731 AND 735 Palm STREET, WEST PALM BECH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Marvin Bussey, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on September 25, 2001, for an ad valorem tax exemption for the

historic renovation and restoration of the property located at 731 and 735 Palm Street,
West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on January 24, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Marvin Bussey, for the restoration, renovation, and improvement to the property located at 731 and 735 Palm Street, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on July 17, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Marvin Bussey for the restoration, renovation, and improvement to the property located at 731 and 735 Palm Street, West Palm Beach

# NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Marvin Bussey, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 731 and 735 Palm Street, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 01-101:

Lots 220, 221, 222, Plat of Grandview Heights Subdivision, according to the Plat thereof on file in the office of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 58.

2. Prior to the ad valorem tax exemption described herein being effective, Marvin Bussey shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical

Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner,
who moved its adoption. The motion was seconded by Commissioner,
and upon being put to a vote, the vote was as follows:

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

The Chairman there upon declared the Resolution duly passed and adopted this \_\_\_\_\_ Day of \_\_\_\_\_\_, 2007.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY: BY: Deputy Clerk

### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	day of		, 2007, by
Marvin Bussey (hereinafter referre	ed to as the Owner	r) and in favor of	Palm Beach County
(hereinafter referred to as the Lo	ocal Government)	for the purpos	e of the restoration,
renovation or rehabilitation, of a ce	ertain Property loc	cated at	•
731 and 735 Palm Street, West Pa	alm Beach, 33401	1 which is owned	I in fee simple by the
Owner and is listed in the National	Register of Histor	ric Places or loca	ally designated under
the terms of a local preservation	ordinance or is a	a contributing pr	operty to a National
Register listed district or a contribu	uting property to a	a historic district	under the terms of a
local preservation ordinance. The	areas of significan	nce of this prope	erty, as defined in the
National Register nomination or lo	ocal designation re	eport for the proj	perty or the district in
which it is located are <u>x</u> are	chitecture, <u>x</u>	history,	archaeology.
The Property is comprised ess	entially of group	de collateral	annurtenances and
improvements. The property is	more particularly	us, collateral, t	appuntenances, and follows (include city
reference, consisting of repository	hook and nade	numbers.	ioliows (include city
, a series and an especially	, 20011, and page	Harriboro,	
Lots 220, 221, 222, Plat of Grandvi	iew Heights Subdi	vision according	to the Plat thereof on
file in the office of Clerk of the (	Circuit Court in a	nd for Dolm Do	ach County Florida

file in the office of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 58.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31,  $\underline{2016}$ 

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of

care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):	1.	
Marvin Bussey Name	Signature J	<u>/-8-∂∞7</u> Date
IN WITNESS WHEREOF, the Orcaused this Agreement.	wner and Local Governr	ment have executed or have
ATTEST:		
	PALM BEACH COUNT BY ITS BOARD OF CO	TY, FLORIDA OUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY:	BY:C	nairman
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	7	

County Attorney

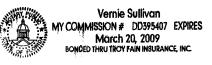
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this and day of boundary,
2007, by Marcin Bussey, who are personally known to me or who
have produced FL DL B200584462630, and NA
respectively, (indicate form of identification) (if left blank personal knowledge existed) as
identification.
Veren ullum
Notary Public State of Florida
Notary Print Name:
VERNIE Sallwan

My Commission Expires:

(NOTARY SEAL)



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO MARVIN BUSSEY, FOR THE HISTORIC REHABILITATION OF THE PROPERTIES LOCATED AT 731 & 735 PALM STREET, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S <u>STANDARDS FOR REHABILITATION</u>; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 7/7/2006 4:22 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval from the Historic Preservation Board on September 25, 2001, for an ad valorem tax exemption for the historic renovation and restoration of the properties located at 731 & 735 Palm Street, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on January 24, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval to grant an ad valorem City tax exemption to Marvin Bussey, for the restoration, renovation, and improvement to the properties located at 731 & 735 Palm Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the properties located at 731 & 735 Palm Street, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, Marvin Bussey, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2001 and 2006, resulting from the renovation, restoration, and rehabilitation of the properties located at 731 & 735 Palm Street, West Palm Beach, which property is legally described as follows and which improvements are described in HPB Case

No.01-101:

Lots 220, 221, 222, Plat of Grandview Heights Subdivision, according to the Plat thereof on file in the office of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 58.

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, Marvin Bussey shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4**:

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 12 DAY OF

(CORPORATE SEAL)

CITY OF WEST PALM BEACH BY ITS/CITY COMMISSION

PRESIDING OFFICER

ATTEST:

BY:

CITY CLERK

CITY ATTORNEY'S OFFICE

Approved as to form

and legal

Last printed 7/7/2006 4:22 PM

### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	day of	2007 by
Treme Amount (neremarker relente	ed to as the Owner) and	in tayor of Palm Reach County
(nereinanter referred to as the	Local Government) for t	the nurnose of the restoration
renovation of renabilitation, of a	certain Property located	at
738 Newark Street, West Palm E	Beach, 33401 which is ov	vned in fee simple by the Owner
and is listed in the National Reg	gister of Historic Places	or locally designated under the
terms of a local preservation ord	inance or is a contributing	nroperty to a National Posistor
listed district or a contributing p	property to a historic dis	trict under the terms of a least
preservation ordinance. The ar	reas of significance of the	nic property on defined in the
National Register pomination or	local designation remarks	for the many as defined in the
National Register nomination or which it is located are	nocal designation report	for the property or the district in
which it is located are $\underline{x}$	inclinecture, <u>x</u> histo	ory, archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows (include city reference, consisting of repository, book, and page numbers:

West 18 Feet of Lot 131 and All of Lot 132, Grandview Heights, According to the Plat Thereof on File in Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, Recorded in Plat Book 7, Page 58

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31,  $\underline{2016}$ 

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of

### **EXHIBIT E**

### 738 Newark Street West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 738 Newarch Street (Case No. 03-16)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD COUNTY COMMISSIONERS OF **PALM** BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE **REHABILITATION** HISTORIC OF PROPERTY LOCATED AT 738 NEWARK STREET, WEST PALM BECH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Kellie Allison, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on February 25, 2003, for an ad valorem tax exemption for the

historic renovation and restoration of the property located at 738 Newark Street, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on June 27, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Kellie Allison, for the restoration, renovation, and improvement to the property located at 738 Newark Street, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on September 25, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Kellie Allison for the restoration, renovation, and improvement to the property located at 738 Newark Street, West Palm Beach

### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Kellie Allison, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 738 Newark Street, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 03-16:

West 18 feet of Lot 131 and all of Lot 132, Grandview Heights, According to the Plat thereof on File in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, Recorded in Plat Book 7, Page 58.

2. Prior to the ad valorem tax exemption described herein being effective, Kellie Allison shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical

Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of			, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS **BOARD OF COUNTY COMMISSIONERS** 

SHARON BOCK, CLERK AND COMPTROLLER

BY: Attool	BY:	
Asst. County Attorney	Deputy Clerk	_

STATE OF FLORIDA

My Commission Expires:

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged be	efore me this gill day of houseway.
2007, by Keller allison	, who are personally known to me or who
have produced FLDL A425513649570, ar	nd NA
respectively, (indicate form of identification) (if le	eft blank personal knowledge existed) as
identification.	, , , , , , , , , , , , , , , , , , ,
	Verin Sullivan
	Notary Public State of Florida
	Notary Print Name: VERNIE Sullivau
•	

(NOTARY SEAL)

Vernie Sullivan MY COMMISSION # DD395407 EXPIRES March 20, 2009 BONDED THRU TROY FAIN INSURANCE INC. The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of

care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):		
Kellie Allison Name	<u>lu M Ullisan</u> Signature	01-09-07 Date
IN WITNESS WHEREOF, the O caused this Agreement.	wner and Local Gove	ernment have executed or have
ATTEST:		
	PALM BEACH COU BY ITS BOARD OF	JNTY, FLORIDA COUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY: Deputy Clerk	BY:	Chairman
APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY:		

County Attorney

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO KELLIE ALLISON FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 738 NEWARK STREET, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S <u>STANDARDS FOR REHABILITATION</u>; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 9/12/2006 1:42 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval (6-0) from the Historic Preservation Board on February 25, 2003, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 738 Newark Street, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on June 27, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval (6-0) to grant an ad valorem City tax exemption to Kellie Allison, for the restoration, renovation, and improvement to the property located at 738 Newark Street.

# NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

- SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 738 Newark Street, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.
- SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, Kellie Allison, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2003 and 2006, resulting from the renovation, restoration, and rehabilitation of the property located at 738 Newark Street, West Palm Beach, which property is legally described as follows and which improvements are described in HPB Case

The West 18 Feet of Lot 131 and All of Lot 132, Grandview Heights, According to the Plat Thereof on File in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, Recorded in Plat Book 7, Page 58

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, Kellie Allison shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4:** 

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 25 DAY OF September ), 2006.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH BY ITS CITY COMMISSION

PRESIDING OFFICER

ATTEST:

BY:

CITY CLERK

CITY ATTORNEY'S OFFICE

Approved as to form

and legal suf

Date:

Last printed 9/12/2006 1:42 PM

#### **EXHIBIT F**

### 125 East Lakewood Road West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 125 East Lakewood Road (Case No. 04-179)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC **REHABILITATION OF PROPERTY** LOCATED AT 125 **EAST** LAKEWOOD ROAD, WEST PALM BEACH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Claes and Edith Bjork, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on December 15, 2004, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 125 East Lakewood Road, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on September 26, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Claes and Edith Bjork, for the restoration, renovation, and improvement to the property located at 125 East Lakewood Road, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on November 6, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Claes and Edith Bjork for the restoration, renovation, and improvement to the property located at 125 East Lakewood Road, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Claes and Edith Bjork, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 125 East Lakewood Road, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 04-179:

West 122 feet of Lot 16, Block E, Lakewood, According to the Plat thereof, as recorded in Plat Book 10, Page 27, of the Public Records of Palm Beach County, Florida.

2. Prior to the ad valorem tax exemption described herein being effective, Claes and Edith Bjork shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical

Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

er,	The foregoing Resolution was offered by Commissioner
r,	who moved its adoption. The motion was seconded by Commissioner_
	and upon being put to a vote, the vote was as follows:

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of			, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

#### DOS Form No. HR3E111292

#### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

<u>Claes Bjork and Edith Bjork</u> (hereinafter referred to as the Owner) and in favor of Pal Beach County (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at 125 East Lakewood Road, West Palm Beach, 33405 which is owned in fee simple by the	This Covenant is made t	his day	of	, 2007, by
restoration, renovation or rehabilitation, of a certain Property located at 125 East Lakewood Road, West Palm Beach, 33405 which is owned in fee simple by the	Claes Bjork and Edith Bi	ork (hereinafter ref	erred to as the Own	er) and in favor of Palm
125 East Lakewood Road, West Palm Beach, 33405 which is owned in fee simple by the	Beach County (hereinaft	er referred to as th	e Local Governmen	t) for the purpose of the
• • • • • • • • • • • • • • • • • • • •	restoration, renovation of	rehabilitation, of a	certain Property loc	ated at
Owner and in listed in the National Register of Historia Places or levelly designated and	125 East Lakewood Roa	d, West Palm Beac	n, 33405 which is ow	ned in fee simple by the
Owner and is listed in the National Register of Historic Places or locally designated und				•
the terms of a local preservation ordinance or is a contributing property to a Nation	the terms of a local pre-	servation ordinance	or is a contributing	g property to a Nationa
Register listed district or a contributing property to a historic district under the terms of	Register listed district or	a contributing prop	erty to a historic dist	rict under the terms of a
local preservation ordinance. The areas of significance of this property, as defined in the	_		<del>-</del>	
National Register nomination or local designation report for the property or the district	National Register nomina	ation or local design	ation report for the	property or the district in
which it is located are <u>x</u> architecture, <u>x</u> history, <u>archaeology</u> .	which it is located are	x architecture	x history,	archaeology.
		·		. 0,
The Property is comprised essentially of grounds, collateral, appurtenances, ar	The Property is compr	ised essentially o	grounds, collatera	al, appurtenances, and

improvements. The property is more particularly described as follows (include city reference, consisting of repository, book, and page numbers:

West 122 Feet of lot 16, Block E, Lakewood, according to the Plat thereof, as recorded in Plat Book 10, Page 27, of the Public Records of Palm Beach County.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31, 2016

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street West Palm Beach, Florida 33401 Telephone Number: (561) 659-8031 The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own

property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):	7 2	
<u>Claes Bjork</u> Name	Signature	01/18 07 Date
Edith Bjork Name	Suth B trih. Signature	1   18   07 Date
IN WITNESS WHEREOF, the Ow caused this Agreement.	vner and Local Gover	nment have executed or have
ATTEST:		
	PALM BEACH COU BY ITS BOARD OF	NTY, FLORIDA COUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY: Deputy Clerk	BY:	Chairman
APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY: County Attorney		

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged	d before me this 18th day of Johnsoney
2007, by Edith N. A-Brown	, who are personally known to me or who
have produced A536214419170	, and <u>NA</u> ,
respectively, (indicate form of identification)	(if left blank personal knowledge existed) as
identification.	
	1
	Verun Sullivan
	Notary Public State of Florida
	Notary Print Name:
	YERNIE Sullivan

My Commission Expires:

(NOTARY SEAL)



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO CLAES AND EDITH BJORK, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 125 E. LAKEWOOD ROAD, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 10/25/2006 4:45 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval (6-1) from the Historic Preservation Board on December 15, 2004, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 125 E. Lakewood Road, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on September 26, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval (6-0) to grant an ad valorem City tax exemption to Claes and Edith Bjork, for the restoration, renovation, and improvement to the property located at 125 E. Lakewood Road.

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 125 E. Lakewood Road, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, Claes and Edith Bjork, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2004 and 2006, resulting from the renovation, restoration, and rehabilitation of the property located at 125 E. Lakewood Road, West Palm Beach, which property is legally described as follows and which improvements are described

in HPB Case No. 04-179:

West 122 feet of lot 16, Block E, Lakewood, according to the Plat thereof, as recorded in Plat Book 10, Page 27, of the Public Records of Palm Beach County, Florida

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, Claes and Edith Bjork, shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4**:

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED	THIS 6 H	DAY OF 16	ember 2006
		. D111 O1 - DU	

(CORPORATE SEAL)

CITY OF WEST PALM BEACH BY ITS CITY COMMISSION

PRESIDING OFFICE

ATTEST:

CITY ATTORNEY'S OFFICE

Approved as to form and legal sufficie

#### **EXHIBIT G**

#### 214 East Lakewood Road West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 214 East Lakewood Road (Case No. 03-55)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD OF COUNTY **COMMISSIONERS** OF **PALM** BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC REHABILITATION OF **PROPERTY** LOCATED AT 214 **EAST** LAKEWOOD ROAD, WEST PALM BEACH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a innancial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Suzan Buza, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on May 29, 2003, for an ad valorem tax exemption for the historic

renovation and restoration of the property located at 214 East Lakewood Road, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on June 27, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Suzan Buza, for the restoration, renovation, and improvement to the property located at 214 East Lakewood Road, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on September 25, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Suzan Buza for the restoration, renovation, and improvement to the property located at 214 East Lakewood Road, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Suzan Buza, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 214 East Lakewood Road, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 03-55:

Lot 12, Block F, Lakewood, according to the Plat thereof, as recorded in Plat Book 10, Page 27, of the Public Records of Palm Beach County, Florida

2. Prior to the ad valorem tax exemption described herein being effective, Suzan Buza shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical

Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes. 4. The provisions of this resolution shall become effective upon the execution of this agreement. 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County. The foregoing Resolution was offered by Commissioner\_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner\_\_\_\_\_, and upon being put to a vote, the vote was as follows: Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria The Chairman there upon declared the Resolution duly passed and dopted this \_\_\_\_\_ Day of \_\_\_\_\_, 2007. APPROVED AS TO FORM AND PALM BEACH COUNTY, FLORIDA, BY ITS EGAL SUFFICIENCY **BOARD OF COUNTY COMMISSIONERS** SHARON BOCK, CLERK AND COMPTROLLER BY: Deputy Clerk

#### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

Inis Covenant is made this day of	. 2007. by
Suzan Buza (hereinatter referred to as the Owner) and in favor of	Palm Beach County
(hereinafter referred to as the Local Government) for the purpos	se of the restoration
renovation or rehabilitation, of a certain Property located at	or the restoration,
214 East Lakewood Road, West Palm Beach, 33405 which is owner	d in fee simple by the
Owner and is listed in the National Register of Historic Places or local	ally designated under
the terms of a local preservation ordinance or is a contributing preservation or in the contributi	roperty to a National
Register listed district or a contributing property to a historic district	under the terms of a
local preservation ordinance. The areas of significance of this proper	arty as defined in the
National Register nomination or local designation report for the properties it is because of this properties.	nerty or the district in
which it is located are <u>x</u> architecture, <u>x</u> history,	perty of the district in
diorintecture, mistory,	archaeology.
The Property is comprised essentially of grounds, collateral,	oppurtopenses and
improvements. The property is more particularly described as	follows (include site
reference, consisting of repository, book, and page numbers:	iollows (include city
, servers of repository, book, and page numbers.	
Lot 12 Block E. Lokoward and B. C. H. Burner	

Lot 12, Block F, Lakewood, according to the Plat thereof, as recorded in Plat Book 10, Page 27, of the Public Records of Palm Beach County, Florida

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31,  $\underline{2016}$ 

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own

property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

1	
OWNER(S):	
Suzan Buza Name	Signature Duga 1/12/07
IN WITNESS WHEREOF, the Overall caused this Agreement.	wner and Local Government have executed or have
ATTEST:	
	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
Sharon Bock, Clerk	
BY: Deputy Clerk	BY:Chairman
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	

County Attorney

STATE OF FLORIDA

FEB. 3, 2010

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged	before me this 12 day of JANUARY
2007, by SUSAN K. BUZA	, who are personally known to me or who
have produced	and
respectively, (indicate form of identification) (i	f left blank personal knowledge existed) as
identification.	· · · · · · · · · · · · · · · · · · ·
	Notary Public State of Florida
	Notary Print Name:  Minoy A. GONZALEZ
My Commission Expires:	(NOTARY SEAL)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO SUZAN BUZA FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 214 E. LAKEWOOD ROAD, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 9/12/2006 1:44 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval (6-1) from the Historic Preservation Board on May 29, 2003, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 214 E. Lakewood Road, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on June 27, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval (6-0) to grant an ad valorem City tax exemption to Suzan Buza, for the restoration, renovation, and improvement to the property located at 214 E. Lakewood Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 214 E. Lakewood Road, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, Suzan Buza, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2003 and 2006, resulting from the renovation, restoration, and rehabilitation of the property located at 214 E. Lakewood Road, West Palm Beach, which property is legally described as follows and which improvements are described in HPB Case No.

Lot 12, Block F, Lakewood, according to the Plat thereof, as recorded in Plat Book 10, Page 27, of the Public Records of Palm Beach County, Florida

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, Suzan Buza shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4:** 

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 25 Th DAY OF Sprenker 2006

(CORPORATE SEAL)

CITY OF WEST PALM BEACH BY ITS CITY COMMISSION

PRESIDING OFFICER

ATTEST:

BY:

CITY CLERK

CITY ATTORNEY'S OFFICE

Approved as to form

and legal sufficie

Dy. \_\_\_ Date:

Last printed 9/12/2006 1:44 PM

#### **EXHIBIT H**

### 340 Greymon Drive West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 340 Greymon Drive (Case No. 04-94)

#### **RESOLUTION NO. R-2007-**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 340 GREYMON DRIVE WEST PALM BEACH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Arthur and Lisa Schofield, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on May 23, 2006, for an ad valorem tax exemption

for the historic renovation and restoration of the property located at 340 Greymond Drive, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on June 17, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Arthur and Lisa Schofield, for the restoration, renovation, and improvement to the property located at 340 Greymond Drive, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on November 7, 2005, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Arthur and Lisa Schofield for the restoration, renovation, and improvement to the property located at 340 Greymond Drive, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Arthur and Lisa Schofield, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 340 Greymond Drive, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 04-94:

Lot 22 and Lot 23, Block 7, of Southland Park, according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 16948, page 828.

2. Prior to the ad valorem tax exemption described herein being effective, Arthur and Lisa Schofield shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical

Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner	_ ,
who moved its adoption. The motion was seconded by Commissioner	,
and upon being put to a vote, the vote was as follows:	

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of	·····		, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY: BY: Deputy Clerk

#### DOS Form No. HR3E111292

#### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	day of		_, 2007, by
Arthur Schofield and Lisa Schofie	eld (hereinafter refe	erred to as the Owner) and	in favor of
Palm Beach County (hereinafter	referred to as the I	Local Government) for the	purpose of
the restoration, renovation or reha	abilitation, of a cer	tain Property located at	
340 Greymond Drive, West Palm	Beach, 33405 which	ch is owned in fee simple by	the Owner
and is listed in the National Regiterms of a local preservation ordir listed district or a contributing preservation ordinance. The are National Register nomination or I which it is located arexa	nance or is a contri roperty to a histor eas of significance ocal designation re	ibuting property to a Nation ric district under the terms e of this property, as defi eport for the property or th	al Register of a loca ined in the e district in
The Property is comprised estimprovements. The property is	s more particularly	y described as follows (in	

reference, consisting of repository, book, and page numbers:

Lot 22 and Lot 23, Block 7 of Southland Park Plat Book 16948, Page 828 of Palm Beach

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31,  $\underline{2016}$ 

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

County.

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own

property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent

jurisdiction.		•	-	
OWNER(S):  Arthur Schofield  Name  Lisa Schofield  Name	Signat	Scholie	12/20 12/20 12/20	<b>/ov</b> Date Oate
IN WITNESS WHEREOF, caused this Agreement.	, the Owner an	d Local Goverr	ment have e	xecuted or have
ATTEST:				
		BEACH COUN S BOARD OF C		A MMISSIONERS
Sharon Bock, Clerk				
BY: Deputy Clerk	BY:	(	Chairman	
APPROVED AS TO FORI LEGAL SUFFICIENCY BY: County Attorney	M AND	7		

COUNTY OF PALM BEACH	
The foregoing instrument was acknowledged	
2006, by Arthurà Lisa Schofield	, who are personally known to me or who
have produced	, and,
respectively, (indicate form of identification)	(if left blank personal knowledge existed) as
identification.	
	Ruae & marie
	Notary Public State of Florida
	Notary Print Name:
	Renae L. Main
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	RENAE L. MAIN  MY COMMISSION # DD463930  EXPIRES: Aug. 21, 2009  (407) 398-0153 Florida Notary Service.com
My Commission Expires:	(NOTARY SEAL)
Olayloo	

STATE OF FLORIDA

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO ARTHUR AND LISA SCHOFIELD, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 340 GREYMON DRIVE, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 7/7/2006 4:23 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval from the Historic Preservation Board on July 27, 2004, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 340 Greymon Drive, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on May 23, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval to grant an ad valorem City tax exemption to Arthur and Lisa Schofield, for the restoration, renovation, and improvement to the property located at 340 Greymon Drive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 340 Greymon Drive, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, Arthur and Lisa Schofield, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2004 and 2006, resulting from the renovation, restoration, and rehabilitation of the property located at 340 Greymon Drive, West Palm Beach, which property is legally described as follows and which improvements are described

#### in HPB Case No.04-94:

Lot 22 & Lot 23, Block 7, of Southland Park, according to the plat thereof on file in the office of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Official Record Book 16948, Page 828.

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, Arthur and Lisa Schofield shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

SECTION 4:

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 17 DAY OF

(CORPORATE SEAL)

\_, 2006.

CITY OF WEST PALM BEACH BY ITS CITY COMMISSION

PRESIDING OFFICER

ATTEST:

BY:

CITÝ ČLERK

CITY ATTORNEY'S OFFICE

Approved as to form and legal sufficiency

ву: <u>"ОГЛЛЛ</u>

#### **EXHIBIT I**

### 290 Flamingo Drive West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 290 Flamingo Drive (Case No. 02-34A)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD OF COUNTY **PALM** COMMISSIONERS OF BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC REHABILITATION OF PROPERTY LOCATED AT 290 FLAMINGO DRIVE, WEST PALM BEACH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) Cameron and Julia Miller, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on April 23, 2002, for an ad valorem tax exemption

for the historic renovation and restoration of the property located at 290 Flamingo Drive, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on November 10, 2005, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Cameron and Julia Miller, for the restoration, renovation, and improvement to the property located at 290 Flamingo Drive, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on July 17, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Cameron and Julia Miller for the restoration, renovation, and improvement to the property located at 290 Flamingo Drive, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, Cameron and Julia Miller, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 290 Flamingo Drive, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 02-34:

Lot 13 and Lot 14 El Cid North Addition to the City of West Palm Beach, Florida in Section 27, Township 43 South, Range 43 East according to the plat thereof, as recorded in Plat Book 16, page 84 of the Public Records of Palm Beach County, Florida.

2. Prior to the ad valorem tax exemption described herein being effective, Cameron and Julia Miller shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

3. the Board finds that the property meets the requirements for tax

3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.

4. The provisions of this resolution shall become effective upon the execution of this agreement.

5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner,						
who moved its adoption. The motion was seconded by Commissioner,						
and upon being put to a vote, the vote was as follows:						

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of			, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY: MATOUS	BY:
Asst. County Attorney	Deputy Clerk

#### DOS Form No. HR3E111292

#### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	3,9	day of	JANUARY	. 2007. by
Cameron and Julia Miller (here	inafter re	eferred to	as the Owner	and in favor of Palm Beach
County (hereinafter referred to	as the Lo	ocal Gove	rnment) for the	purpose of the restoration
renovation or rehabilitation, of	a certair	Property	located at	parpass of the rectanguity
290 Flamingo Drive, West Paln	n Beach,	, 33401 w	hich is owned i	n fee simple by the Owner
and is listed in the National Re	egister c	of Historic	Places or loc	ally designated under the
terms of a local preservation or	dinance	or is a co	ntributing prop	erty to a National Register
listed district or a contributing	propert	y to a his	storic district u	nder the terms of a local
preservation ordinance. The a	areas of	significa	nce of this pr	operty, as defined in the
National Register nomination of	or local d	lesignatio	n report for the	e property or the district in
which it is located are $\underline{x}$	archited	cture, x	history.	archaeology.
	=	· <del></del>		

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows (include city reference, consisting of repository, book, and page numbers:

Lot 13 and Lot 14 El Cid North Addition to the City of West Palm Beach, Florida in Section 27, Township 43 South, Range 43 East, according to the Plat thereof as recorded in Plat Book 16, Page 84 of the Public Records of Palm Beach County, Florida.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31,  $\underline{2016}$ 

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of

care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):	1	
Cameron Miller Name	Signature	<u> </u>
Julia Miller Name	Signature	1/3/0 7 Date
IN WITNESS WHEREOF, the Coaused this Agreement.	wner and Local Govern	ment have executed or have
ATTEST:		
	PALM BEACH COUN	TY, FLORIDA
	BY IIS BOARD OF CO	OUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY:	BY:Ch	nairman
APPROVED AS TO FORM AND LEGAL SUFFICIENCY  BY: County Attorney	A C	

STATE OF FLORIDA

**COUNTY OF PALM BEACH** 

The foregoing instrument was acknowledged before me this 3rd day of January, 200], by Carron Milw Julian Milw who are personally known to me or who have produced FIAM mylo-10-49-30 and FIAM Mylo-10-6-18-6 respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.

LAYETTA JONES
Notary Public. State of Florida
My comm. expires June 2, 2007
No. DD 218668

My Commission Expires:

Notary Public State of Florida

Notary Print Name:

Notary forcemeronmilly

LAYETTA JONES
Notary Fublic, State of Florida
MARY SEAR June 2, 2007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO CAMERON AND JULIA MILLER, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 290 FLAMINGO DRIVE, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 7/7/2006 4:21 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval from the Historic Preservation Board on April 23, 2002 for an ad valorem tax exemption for the historic renovation and restoration of the property located at 290 Flamingo Drive, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on November 10, 2005, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval to grant an ad valorem City tax exemption to Cameron and Julia Miller, for the restoration, renovation, and improvement to the property located at 290 Flamingo Drive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 290 Flamingo Drive, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, Cameron and Julia Miller, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2002 and 2005, resulting from the renovation, restoration, and rehabilitation of the property located at 290 Flamingo Drive, West Palm Beach, which property is legally described as follows and which improvements are described

in HPB Case No. 02-34:

Lot 13 and Lot 14 El Cid North Addition to the City of West Palm Beach, Florida in Section 27, Township 43 South, Range 43 East, according to the Plat thereof as recorded in Plat Book 16, Page 84 of the Public Records of Palm Beach County, Florida.

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, Cameron and Julia Miller shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4:** 

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 17 DAY OF

(CORPORATE SEAL)

CITY OF WEST PALM BEACH

BY ITS CITY COMMISSION

ATTEST

CITY ATTORNEY'S OFFICE

Approved as to form

#### **EXHIBIT J**

## 428 37<sup>th</sup> Street West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 428 37<sup>th</sup> Street (Case No. 03-128A)

#### **RESOLUTION NO. R-2007-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF **PALM** BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE **HISTORIC** REHABILITATION OF PROPERTY LOCATED AT 428 37th Street AS **FURTHER** PALM BEACH, LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) David Broten, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on August 26, 2003, for an ad valorem tax exemption for the historic

renovation and restoration of the property located at 428 37<sup>th</sup> Street, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on November 16, 2005, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to David Broten, for the restoration, renovation, and improvement to the property located at 428 37<sup>th</sup> Street, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on July 17, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to David Broten for the restoration, renovation, and improvement to the property located at 428 37<sup>th</sup> Street, West Palm Beach

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, David Broten, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 428 37<sup>th</sup> Street, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 03-128:

Northwood Addition with ½ of Lot 10 & Lot 11, Block 4 of Northwood, according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, page 47 & 62, Plat Book 30&47, Plat Book 10, Page 11, Plat Book 11, Pages 18&38.

2. Prior to the ad valorem tax exemption described herein being effective, David Broten shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.

4. The provisions of this resolution shall become effective upon the execution of this agreement.

5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner\_\_\_\_\_,
who moved its adoption. The motion was seconded by Commissioner\_\_\_\_\_,
and upon being put to a vote, the vote was as follows:

Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria

	The Chairman	there	upon	declared	the	Resolution	duly	passed	and
adopted this	Day of			, 2007.					

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY:/	Moter ()	l)	BY:		
V	Asst. County Attorney	_ /		Deputy Clerk	

#### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	day of		, 2007, by
David Broten (hereinafter referred	to as the Owner	) and in favor of Palm Be	ach County
(hereinafter referred to as the Loc	cal Government	) for the purpose of the	restoration,
renovation or rehabilitation, of a cer	rtain Property lo	cated at	·
428 37th Street West Palm Beach, 3	3407 which is ov	vned in fee simple by the C	Owner and is
listed in the National Register of His	storic Places or Ic	ocally designated under th	e terms of a
local preservation ordinance or is			
district or a contributing property to a			
ordinance. The areas of significance	e of this propert	y, as defined in the Nation	nal Register
nomination or local designation rep			
are <u>x</u> architecture, <u>x</u>			
The Property is comprised esse			
improvements. The property is r	more particularly	, described as follows (	include city
reference, consisting of repository,	book, and page	numbers:	
Northwood Addition with ½ of Lot	<u>10 and Lot 11 E</u>	Block 4 of Northwood of F	<sup>o</sup> aim Beach
County.			
In annial and the second			
In consideration of the tax exemptio	n granted by the	Local Government, the O	wner hereby

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2007 to December 31, 2016

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own

property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):		
<u>David Broten</u> Name	Danid Brotin Signature	<u>1   2   2 00 ₹</u> Date
IN WITNESS WHEREOF, caused this Agreement.	the Owner and Local Governi	ment have executed or have
ATTEST:		
	PALM BEACH COUN BY ITS BOARD OF C	TY, FLORIDA OUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY: Deputy Clerk	BY:CI	hairman
APPROVED AS TO FORM LEGAL SUFFICIENCY BY: County Attorney	A AND	

S	T.	Α.	T	E	0	F	FL	0	R	IDA	١
---	----	----	---	---	---	---	----	---	---	-----	---

### COUNTY OF PALM BEACH

The foregoing instrument was acknowledged be	efore me this great day of January,
2007, by <u>laver Broten</u>	, who are personally known to me <del>or who</del>
have produced, ar	
respectively, (indicate form of identification) (if lidentification.	eft blank personal knowledge existed) as
Diane Vaccaro MY COMMISSION # DD169405 EXPIRES January 7, 2007 BONDED THRU TROY FAIN INSURANCE, INC.	Notary Public State of Florida
	Notary Print Name: DIAWE VACCARO
My Commission Expires:	(NOTARY SEAL)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO DAVID BROTEN, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 428 37th STREET, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 7/7/2006 4:23 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval from the Historic Preservation Board on August 26, 2003, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 428 37<sup>th</sup> Street, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on November 10, 2005, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval to grant an ad valorem City tax exemption to David Broten, for the restoration, renovation, and improvement to the property located at 428 37<sup>th</sup> Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 428 37<sup>th</sup> Street, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, David Broten, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2003 and 2005, resulting from the renovation, restoration, and rehabilitation of the property located at 428 37<sup>th</sup> Street, West Palm Beach, which property is legally described as follows and which improvements are described in HPB Case No.03-128:

Northwood addition with ½ of Lot 10 & Lot 11, Block 4, of Northwood, according to the plat thereof on file in the office of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, Pages 47 & 62, Plat Book 9, Pages 30 & 47, Plat Book 10, Page 11, Plat Book 11, Pages 18 & 38.

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, David Broten shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4:** This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 17 DAY OF

(CORPORATE SEAL)

*'* 

CITY OF WEST PALM BEACH
(BY ITS CITY COMMISSION

PRESIDING OFFICER

ATTEST:

CITY CLERK

CITY ATTORNEY'S OFFICE

Approved as to form and legal sufficiency

By: \_\_\_\_\_\_\_

Tast printed 7/7/2006 4.22 DM

#### **EXHIBIT K**

## 533 Clematis Street West Palm Beach

Resolutions for County Tax Exemption (2 original copies for signatures)

Restrictive Covenant (1 original copy for signatures)

and for information purposes 1 copy of the following:

City of West Palm Beach Tax Exemption Resolution for 533 Clematis Street (Case No. 03-159B)

#### **RESOLUTION NO. R-2007-**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 533 CLEMATIS STREET WEST PALM BEACH, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the Board of County Commissioners has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties within the County (Ordinance No. 95-41); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the county's historic structures; and

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the City of West Palm Beach (R 96 442 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the City of West Palm Beach to the municipal historic preservation agency; and

WHEREAS, this property has been certified as a qualified property by the City of West Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (WPB Ordinance No. 2815-95); and

WHEREAS, the property owner(s) 533 Clematis Realty, LLC, filed a Preconstruction Application and received preliminary approval from the West Palm Beach Historic Preservation Board on March 28, 2006, for an ad valorem tax exemption

for the historic renovation and restoration of the property located at 533 Clematis Street, West Palm Beach and

WHEREAS, the West Palm Beach Historic Preservation Board reviewed the Final Application on September 23, 2003, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to 533 Clematis Realty, LLC, for the restoration, renovation, and improvement to the property located at 533 Clematis Street, West Palm Beach, and

WHEREAS, the West Palm Beach City Commission on July 17, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to 533 Clematis Realty, LLC for the restoration, renovation, and improvement to the property located at 533 Clematis, West Palm Beach

# NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Board of County Commissioners hereby approves an ad valorem County tax exemption to the property owners, 533 Clematis Realty, LLC, for a ten year period, commencing on the January 1, 2007, from that portion of ad valorem County taxes levied on the increase in assessed value resulting from the renovation, restoration, and rehabilitation of the property located at 533 Clematis, West Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 03-159:

Lots 3, Plat of Via Clematis Minor Subdivision, as recorded on Official Record Book 10693, page 151 being a replat of lot 6 of Plat of W. Palm Beach, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the public records of Palm beach County, FL.

a/k/a

A parcel of land being the east 40.60 feet of Lot 6, Block 25, plat of the Town of West Palm Beach, as recorded in plat Book 1, page 2 of the Public Records of Palm Beach County, Florida, lying in Section 21 Township 43, South, Range 43 East.

- 2. Prior to the ad valorem tax exemption described herein being effective, 533 Clematis Realty, LLC shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.
- 3. the Board finds that the property meets the requirements for tax exemption under section 196.1997, Florida Statutes.
- 4. The provisions of this resolution shall become effective upon the execution of this agreement.
- 5. One copy of this agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

The foregoing Resolution was offered by Commissioner,			
who moved its adoption. The motion was seconded by Commissioner,			
and upon being put to a vote, the vote	e was as follows:		
Commissioner Addie L. Greene, Chairperson Commissioner John F. Koons, Vice Chair Commissioner Karen T. Marcus Commissioner Warren H. Newell Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria			
The Chairman there upon declared the Resolution duly passed and			
adopted this Day of	, 2007.		
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS SHARON BOCK, CLERK AND COMPTROLLER		
BY: Asst. County Attorney	BY:		

### 533 Clematis Realty, LLC

#### Two Members

- 1. Glenn S. Frechter, Managing Member, 50% Interest
- 2. Mitchell Gevinson, Member, 50% Interest

#### DOS Form No. HR3E111292

#### HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this	_ day of	, 2007, b
533 Clematis Realty, LLC (hereinafter		
Beach County (hereinafter referred to		
restoration, renovation or rehabilitation	·	
533 Clematis Street West Palm Beach	<del></del>	•
listed in the National Register of Histori local preservation ordinance or is a c		
district or a contributing property to a his		
ordinance. The areas of significance o		
nomination or local designation report are <u>    x                                </u>		
		- 3) -
The Property is comprised essential improvements. The property is more	e particularly descr	ibed as follows (include cit
reference, consisting of repository, boo	ok, and page numbe	rs:
Lots 3, Plat of Via Clematis Minor S	Subdivision, as recor	ded on Official Record Book
.,	, was a	

Lots 3, Plat of Via Clematis Minor Subdivision, as recorded on Official Record Book 10693, page 151 being a replat of lot 6 of Plat of W. Palm Beach, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the public records of Palm Beach County, FL.

a/k/a

A parcel of land being the east 40.60 feet of Lot 6, Block 25, plat of the Town of West Palm Beach, as recorded in plat Book 1, page 2 of the Public Records of Palm Beach County, Florida, lying in Section 21 Township 43, South, Range 43 East.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1,  $\underline{2007}$  to December 31,  $\underline{2016}$ 

- 1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the preservation ordinance.
- 2. The Owner agrees that no structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office. The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

City of West Palm Beach, Historic Preservation Division 200 Second Street
West Palm Beach, Florida 33401
Telephone Number: (561) 659-8031

The address of the Division of Historic Resources is:

Bureau of Historic Preservation Division of Historical Resources R.A. Gray Building, 500 South Bronough Street Tallahassee, Florida 32399-0250 Telephone Number: (850) 487-2333

- 3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. Above.
- 4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
- 5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3) F.S.
- 6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage to the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a schedule agreed upon by the Owner and the Local Historic Preservation Office.
- 7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be canceled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.
- 8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property

eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S): 533 Clematis Re	alty /CC	
Manager/Member: Glenn S. Frechter Name	Signature	//10/07- Date
IN WITNESS WHEREOF, the caused this Agreement.	· Owner and Local Go	vernment have executed or have
ATTEST:		
		OUNTY, FLORIDA OF COUNTY COMMISSIONERS
Sharon Bock, Clerk		
BY: Deputy Clerk	BY:	Chairman
APPROVED AS TO FORM AI LEGAL SUFFICIENCY BY: Attorney	ND S	

Page 3

COUNTY OF PALM BEACH	
have produced FL DL F 623 - 297 - 67 - 32	, who are personally known to me or wh
identification.	
	Barbara Stevens
	Notary Public State of Florida
	Notary Print Name:  BARBARA STEWART
	BARBARA STEWART MY COMMISSION # DD323683 BXPIRES: July 31, 2008 PL Notary Discount Assoc. Co.
My Commission Expires:	(NOTARY SEAL)

STATE OF FLORIDA

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO 533 CLEMATIS REALTY, LLC, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 533 CLEMATIS STREET, WEST PALM BEACH, FLORIDA, AS FURTHER LEGALLY DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

\* \* \* \* \* \* \* \* \* \* \*

WHEREAS, the Historic Preservation Program of the City of West Palm Beach, Florida (the "City"), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of West Palm Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 3554-02); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City's historic structures; and

WHEREAS, Ordinance No. 3554-02 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and Last printed 7/7/2006 4:21 PM

WHEREAS, the property owners filed a Preconstruction Application and received preliminary approval from the Historic Preservation Board on September 23, 2003, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 533 Clematis Street, West Palm Beach; and

WHEREAS, the Historic Preservation Board reviewed the Completed Work Application on March 28, 2006, for a determination that the completed improvements were consistent with the United States Secretary of Interior's <u>Standards for Rehabilitation</u> and recommended approval to grant an ad valorem City tax exemption to 533 Clematis Realty, LLC, for the restoration, renovation, and improvement to the property located at 533 Clematis Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby determines that the completed improvements to the property located at 533 Clematis Street, as described in the application for ad valorem tax exemption filed with the City, are consistent with the United States Secretary of Interior's Standards for Rehabilitation.

SECTION 2: The City Commission hereby approves an ad valorem tax exemption to the property owner, 533 Clematis Realty, LLC, for a ten year period, commencing on January 1, 2007, from that portion of ad valorem taxes levied on the increase in assessed value, between the years 2003 and 2006, resulting from the renovation, restoration, and rehabilitation of the property located at 533 Clematis Street, West Palm Beach, which property is legally described as follows and which improvements are described in

Lots 3, Plat of Via Clematis Minor Subdivision, as recorded on Official Record Book 10693, page 151, being a replat of lot 6 of plat of W. Palm Beach, according to the plat thereof, as recorded in Plat Book 1, Page 2, of the public records of Palm Beach County FL, a/k/a

A parcel of land being the East 40.60 feet of Lot 6, Block 25, plat of the Town of West palm Beach, as recorded in plat Book 1, page 2 of the Public Records of Palm Beach County, florida, lying in Section 21, Township 43 South, Range 43 East.

SECTION 3: Prior to the ad valorem tax exemption described herein being effective, 533 Clematis Realty, LLC, shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

**SECTION 4:** 

This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 17 DAY OF

(CORPORATE SEAL)

\_, 2000.

CITY OF WEST PALM BEACH BY ITS CITY COMMISSION

PRESIDING OFFICER

ATTEST:

BY:

CITY CLERK

CITY ATTORNEY'S OFFICE

Approved as to form and legal sufficiency

By: Child

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