

3J-2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 04/10/2007

Consent

Regular

Workshop

Public Hearing

Department: Planning, Zoning, and Building Department
Submitted By: Planning, Zoning, and Building Department
Submitted For: Planning

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) adopt** resolutions of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting five County tax exemptions for four (4) historic properties located within the Town of 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 Town of Palm Beach:

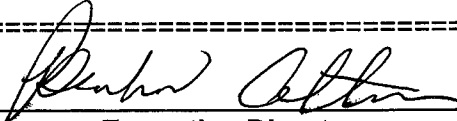
- Address: 1 County Road, The Breakers Palm Beach Inc.
- Address: 1 County Road, The Breakers Palm Beach Inc.
- Address: 181 Clarendon Ave
- Address: 5 Middle Road
- Address: 142 Seabreeze Avenue

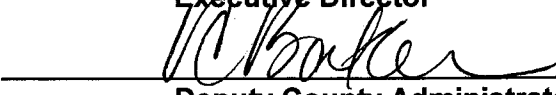
If granted the tax exemption shall take effect January 1, 2007, and shall remain in effect for ten (10) years, or until December 31, 2016. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. (Please see attached resolutions.) Based on the 2007 millage rate, it is estimated that approximately \$31,665.73 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 1 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: Property Owner list, Resolutions (2 copies), Restrictive Covenant (1 copy) and Town of Palm Beach historic tax exemption resolution (1 copy) for the following addresses:

- 1 County Road, The Breakers Palm Beach Inc.
- 1 County Road, The Breakers Palm Beach Inc.
- 181 Clarendon Ave
- 5 Middle Road
- 142 Seabreeze Avenue

Recommended By:  3/19/07
 Executive Director Date

Approved By:  3/26/07
 Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Four Year Summary of Fiscal Impact:

Fiscal Years	20 <u>07</u>	20 <u>08</u>	20 <u>09</u>	20 <u>10</u>	20 <u>11</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no direct fiscal impact on the Planning, Zoning and Building Department from granting a tax exemption for this property. The overall County impact is a reduction of collectable taxes. Tax revenue is to be reduced at most by the tax on the improvements made to each structure. The estimated improvement costs attributed solely to work on these historic buildings totals \$7,036,829.10. Based on the 2007 millage rate, it is estimated that approximately \$31,665.73 tax dollars will be exempted annually.

C. Departmental Fiscal Review: See Digest

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB: 3/14/07
 Contract Dev. and Control: 3/22/07
 Additional dates: 3/13/07, 3/13/07, 3/22/07

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

 Department Director

(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 February 20, 1996, R 96 213 D, authorizing the Town of Palm Beach Landmarks Preservation Commission to perform the required review to implement the tax exemption ordinance on improvements to historic landmark properties within the Town.

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

Three of the four properties are privately owned residences. Both of the remaining resolutions are for the Breakers Hotel

Copies of the Town of Palm Beach Landmarks Preservation Commission Applications, and other back-up information for each of the four properties is available for review at the County's Planning Division.

**2007 Town of Palm Beach
Historic Property Tax Exemption**

Property Owner - Address - Use of Building

Representative: Paul N. Leone, President C.O.O
Organization: The Breakers Palm Beach, Inc.
Property: 1 County Road
Town of Palm Beach, Fl 33480
Use: Commercial

Representative: San K J Lee, President
Organization: New Ventures of Palm Beach Co. LLC
Property: 181 Clarendon Avenue
Town of Palm Beach, Fl 33480
Use: Residential

Owner: Avram and Jill Glazer
Property: 5 Middle Road
Town of Palm Beach, Florida 33480
Use: Residential

Owner: Glenn and Diane Zeitz
Property: 142 Seabreeze Avenue
Town of Palm Beach, Fl 33480
Use: Residential

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 1 SOUTH COUNTY ROAD, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owner, Alex Gilmurray, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on April 18, 2005, for an ad valorem tax exemption for the

historic renovation and restoration of the property located at 1 South County Road, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on May 18, 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 Town tax exemption to Alex Gilmurray, for the restoration, renovation, and improvement to the property located at 1 South County Road, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on January 13, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to Alex Gilmurray for the restoration, renovation, and improvement to the property located at 1 South County Road, 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, Alex Gilmurray, 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 1 South County Road, Palm Beach, which property is as legally described as follows:

Tract 4 of Breakers Row Plat No. 1 – replat on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 46, page 188.

2. Prior to the ad valorem tax exemption described herein being effective, Alex Gilmurray 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: 
Asst. County Attorney

BY: _____
Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2007, by The Breakers Palm Beach, Inc. (hereinafter referred to as the Owners) and in favor of Palm Beach County (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property, installation of sprinkler system located at The Breakers Hotel, One South County Road; Palm Beach, Florida which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of a local preservation ordinance or is a contributing property 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 property, as defined in the National Register nomination or local designation report for the property or the district in which it is located are X architecture, history, _____ 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:

Tract 4 of Breakers Row Plat No. 1-Replat, as recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 46, page 188.

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:

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480
Phone: (561) 838-5430

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):

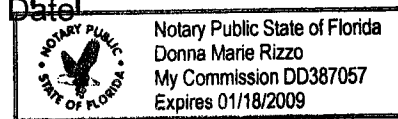
Mr. Alex Gilmurray
Name

Alex Gilmurray
Signature

2/2/07
Date

Chief Financial Officer
Title:

The Breakers Palm Beach, Inc.
Organization Name:



Donna Marie Rizzo
Notary

IN WITNESS WHEREOF, the Owner and Local Government have executed or have caused this Agreement.

ATTEST:

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon Bock, Clerk

BY: _____
Deputy Clerk

BY: _____
Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: *[Signature]*
County Attorney

RESOLUTION NO.2-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE BREAKERS HOTEL: FIRE SPRINKLERIZATION AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Ordinance 31-93 (Chapter 54, Article V Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, where those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant or agreement with the Town for the ten year term for which the exemption is granted.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The property hereinafter described in Section 2 of this Resolution, being listed in the National Register of Historic Places, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Ordinance 31-93.

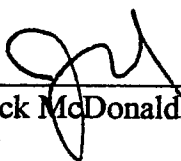
Section 2. The landmark is owned by The Breakers Palm Beach, Inc., and is located at One County Road. The property is legally described as follows:

Tax Folio Number: 50-43-43-22-24-004-0000
Legal Description: Tract 4 of Breakers Row Plat No. 1 - Replat, as recorded in
Plat Book 46, page 188, Public Records of Palm Beach
County

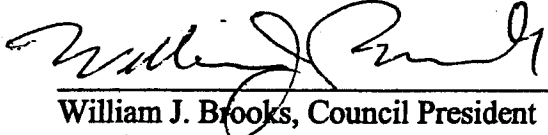
Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. By March 1, a copy of this Resolution with a completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Ordinance 31-93 and the Code of Ordinances of the Town of Palm Beach, Florida.

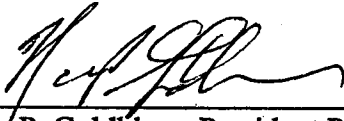
PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach, assembled this 10th day of January, 2006.



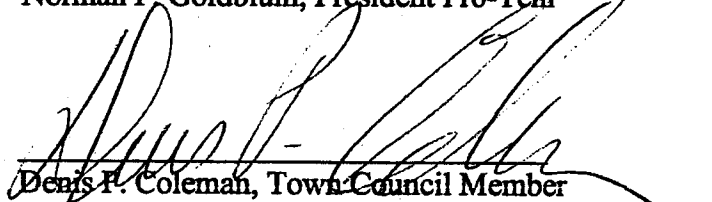
Jack McDonald, Mayor



William J. Brooks, Council President

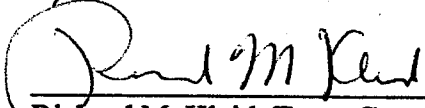


Norman P. Goldblum, President Pro-Tem

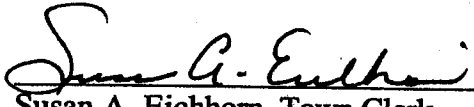


Denis P. Coleman, Town Council Member

ATTEST:



Richard M. Kleid, Town Council Member



Susan A. Eichhorn, Town Clerk



Allen S. Wyett, Town Council Member

CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:
TOWN OF PALM BEACH)

I, SUSAN A. EICHHORN, HEREBY CERTIFY THAT I am the duly qualified and acting Clerk of the Town of Palm Beach, Florida; that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the Town Clerk of the Town of Palm Beach, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town, this 10th day of January A.D. 2006.

TOWN SEAL


SUSAN A. EICHHORN
TOWN CLERK

Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 1 day of March 2006 by The Breakers Palm Beach, Inc. - Fire Sprinklerzation (hereinafter referred to as the Owner) and in favor of the Town of Palm Beach, Florida for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at: 1 South County Road, Palm Beach, Florida 33480-0910

which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of the local preservation ordinance or is a contributing property to a National Register listed district or a contributing property to a historic district under the terms of the local preservation ordinance. The areas of significance of this property, as identified in the National Register nomination or local designation report for the property or the district in which it is located are x architecture, x history, ___ archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements.

The property is more particularly described as follows (include Tax Folio Number and Legal Description): Tax Folio Number: 50-43-43-22-24-004-0000

That part of Tract 4, Breakers Row Plat No. 1 - Replat, according to the Plat thereof as recorded in Plat Book 46, Page 188, Public Records of Palm Beach County, Florida which lies north of the following line:

Commencing at the northwest corner of said Tract 4 thence South 0 42'09" E a distance of 643.61 feet to a corner of said Tract 4 and the beginning of the described line: thence N 89 17'56" a distance of 299.49 feet and thence N 85 32'03" E along a line of said Tract 4 and its easterly extension thereof to the Ordinary Highwater Line of the Atlantic Ocean and the end of said described line.

In consideration of the tax exemption granted by the Town of Palm Beach, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2006 to December 31, 2015:

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 local preservation ordinance.
2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission (a Certificate of Appropriateness) of the Town of Palm Beach Landmarks Commission or the Division of Historical Resources.

The address of the certified Local Historic Preservation Office is:

Town of Palm Beach, Planning, Zoning & Building Department
60 South County Road
Palm Beach, Florida 33480
561-227-6414

The address of the Division of Historical Resources is:

Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
904-487-2333

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 Landmarks Preservation Commission, an appropriate representative of the Town of Palm Beach, 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 Landmarks Preservation Commission 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 Landmarks Preservation Commission 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 time schedule agreed upon by the Owner & the Landmarks Preservation

Commission.

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 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 so damaged that restoration is not feasible, the Owner will notify the Landmarks Preservation Commission in writing of the loss. The Landmarks Preservation Commission 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 Landmarks Preservation Commission determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of Palm Beach County 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 Landmarks Preservation Commission shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the 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

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 1 SOUTH COUNTY ROAD, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owner, Alex Gilmurray, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on January 9, 2004, for an ad valorem tax exemption for the

historic renovation and restoration of the property located at 1 South County Road, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on March 16, 2004 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 Town tax exemption to Alex Gilmurray, for the restoration, renovation, and improvement to the property located at 1 South County Road, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on January 10, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to Alex Gilmurray for the restoration, renovation, and improvement to the property located at 1 South County Road, 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, Alex Gilmurray, 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 1 South County Road, Palm Beach, which property is as legally described as follows:

Tract 4 of Breakers Row Plat No. 1 – replat on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 46, page 188.

2. Prior to the ad valorem tax exemption described herein being effective, Alex Gilmurray 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: 
Asst. County Attorney

BY: _____
Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2007, by The Breakers Palm Beach, Inc. (hereinafter referred to as the Owners) and in favor of Palm Beach County (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property, placement of new clay roof tiles, located at The Breakers Hotel, One South County Road; Palm Beach, Florida which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of a local preservation ordinance or is a contributing property 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 property, as defined in the National Register nomination or local designation report for the property or the district in which it is located are X architecture, history, _____ 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:

Tract 4 of Breakers Row Plat No. 1-Replat, as recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 46, page 188.

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:

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480
Phone: (561) 838-5430

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.

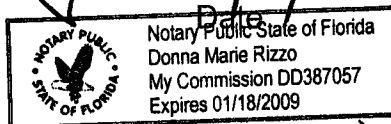
This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S): The Breakers Palm Beach, Inc.

Alex Gilmurray
Name

Alex Gilmurray
Signature

2/5/07
Date



C.F.O., The Breakers Palm Beach, Inc.
Title

Donna Marie Rizzo
Rizzo
Notary

IN WITNESS WHEREOF, the Owner and Local Government have executed or have caused this Agreement.

ATTEST:

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon Bock, Clerk

BY: _____
Deputy Clerk

BY: _____
Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: *[Signature]*
County Attorney

RESOLUTION NO.2-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE BREAKERS HOTEL: FIRE SPRINKLERIZATION AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Ordinance 31-93 (Chapter 54, Article V Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, where those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant or agreement with the Town for the ten year term for which the exemption is granted.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The property hereinafter described in Section 2 of this Resolution, being listed in the National Register of Historic Places, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Ordinance 31-93.

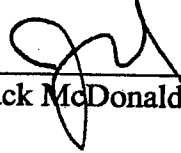
Section 2. The landmark is owned by The Breakers Palm Beach, Inc., and is located at One County Road. The property is legally described as follows:

Tax Folio Number: 50-43-43-22-24-004-0000
Legal Description: Tract 4 of Breakers Row Plat No. 1 - Replat, as recorded in
Plat Book 46, page 188, Public Records of Palm Beach
County

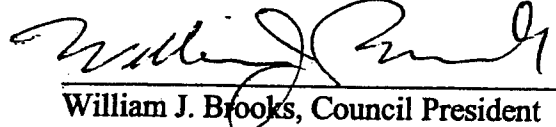
Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. By March 1, a copy of this Resolution with a completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Ordinance 31-93 and the Code of Ordinances of the Town of Palm Beach, Florida.

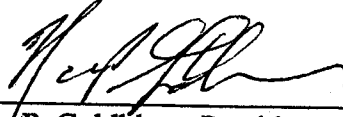
PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach, assembled this 10th day of January, 2006.



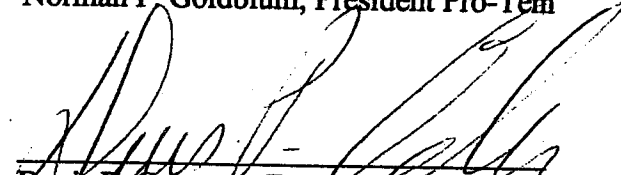
Jack McDonald, Mayor



William J. Books, Council President

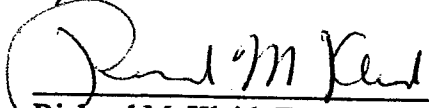


Norman P. Goldblum, President Pro-Tem

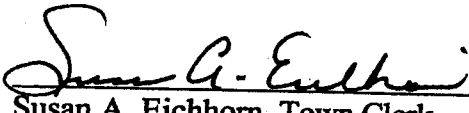


Denis P. Coleman, Town Council Member

ATTEST:



Richard M. Kleid, Town Council Member



Susan A. Eichhorn, Town Clerk



Allen S. Wyett, Town Council Member

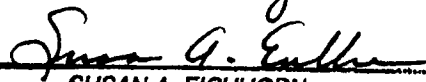
CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:
TOWN OF PALM BEACH)

I, SUSAN A. EICHHORN, HEREBY CERTIFY THAT I am the duly qualified and acting Clerk of the Town of Palm Beach, Florida; that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the Town Clerk of the Town of Palm Beach, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town, this 13th day of January A.D. 2006.

TOWN SEAL



SUSAN A. EICHHORN
TOWN CLERK

Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 1 day of March 2006 by The Breakers Palm Beach, Inc. - Fire Sprinklerization (hereinafter referred to as the Owner) and in favor of the Town of Palm Beach, Florida for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at: 1 South County Road, Palm Beach, Florida 33480-0910

which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of the local preservation ordinance or is a contributing property to a National Register listed district or a contributing property to a historic district under the terms of the local preservation ordinance. The areas of significance of this property, as identified in the National Register nomination or local designation report for the property or the district in which it is located are x architecture, x history, ___ archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements.

The property is more particularly described as follows (include Tax Folio Number and Legal Description): Tax Folio Number: 50-43-43-22-24-004-0000

That part of Tract 4, Breakers Row Plat No. 1 - Replat, according to the Plat thereof as recorded in Plat Book 46, Page 188, Public Records of Palm Beach County, Florida which lies north of the following line:

Commencing at the northwest corner of said Tract 4 thence South 0 42'09" E a distance of 643.61 feet to a corner of said Tract 4 and the beginning of the described line: thence N 89 17'56" a distance of 299.49 feet and thence N 85 32'03" E along a line of said Tract 4 and its easterly extension thereof to the Ordinary Highwater Line of the Atlantic Ocean and the end of said described line.

In consideration of the tax exemption granted by the Town of Palm Beach, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2006 to December 31, 2015 :

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 local preservation ordinance.
2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission (a Certificate of Appropriateness) of the Town of Palm Beach Landmarks Commission or the Division of Historical Resources.

The address of the certified Local Historic Preservation Office is:

Town of Palm Beach, Planning, Zoning & Building Department
60 South County Road
Palm Beach, Florida 33480
.561-227-6414

The address of the Division of Historical Resources is:

Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
904-487-2333

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 Landmarks Preservation Commission, an appropriate representative of the Town of Palm Beach, 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 Landmarks Preservation Commission 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 Landmarks Preservation Commission 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 time schedule agreed upon by the Owner & the Landmarks Preservation

Commission.

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 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 so damaged that restoration is not feasible, the Owner will notify the Landmarks Preservation Commission in writing of the loss. The Landmarks Preservation Commission 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 Landmarks Preservation Commission determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of Palm Beach County 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 Landmarks Preservation Commission shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the 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

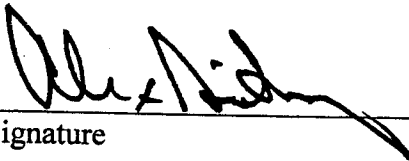
circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete 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 Landmarks Preservation Commission. If the Owner does not complete the restoration work on the agreed upon time schedule, the Landmarks Preservation Commission 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.

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

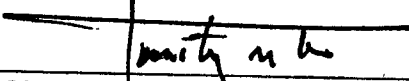
The Breakers Palm Beach, Inc.
Name


Signature

5/15/06
Date

TOWN OF PALM BEACH, FLORIDA

Timothy M. Frank, AICP
Authorized Local Official


Signature

5.15.06
Date

Planning Administrator

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 142 SEABREEZE AVENUE, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owner, Glenn and Diane Zeitz, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on June 16, 2004, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 142 Seabreeze Avenue, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on August 18, 2004 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 Town tax exemption to Glenn and Diane Zeitz, for the restoration, renovation, and improvement to the property located at 142 Seabreeze Avenue, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on November 14, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to Glenn and Diane Zeitz for the restoration, renovation, and improvement to the property located at 142 Seabreeze Avenue, 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, Glenn and Diane Zeitz, 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 142 Seabreeze Avenue, Palm Beach, which property is as legally described as follows:

Lots 193, 195, and 12 and ½ feet by parallel lines off the entire east ½ of Lot 191, Poinciana Park an addition to the Town of Palm Beach Florida according to the Plat thereof on file in the office of the Clerk of the Circuit Court in an for Palm Beach County, Florida, Plat Book 6, Page 1.

2. Prior to the ad valorem tax exemption described herein being effective, Glenn and Diane Zeitz 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:

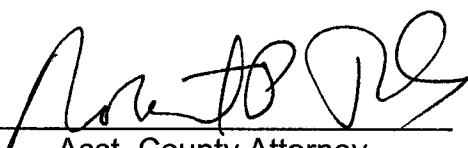
Commissioner Addie L. Greene, Chairperson
Commissioner John F. Koons, Vice Chair
Commissioner Karen T. Marcus
Commissioner Warren H. Newell
Commissioner Mary McCarty
Commissioner Burt Aaronson
Commissioner Jess R. Santamaria

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: 
Asst. County Attorney

BY: _____
Deputy Clerk

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 142 SEABREEZE AVENUE, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owner, Glenn and Diane Zeitz, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on June 16, 2004, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 142 Seabreeze Avenue, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on August 18, 2004 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 Town tax exemption to Glenn and Diane Zeitz, for the restoration, renovation, and improvement to the property located at 142 Seabreeze Avenue, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on November 14, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to Glenn and Diane Zeitz for the restoration, renovation, and improvement to the property located at 142 Seabreeze Avenue, 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, Glenn and Diane Zeitz, 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 142 Seabreeze Avenue, Palm Beach, which property is as legally described as follows:

Lots 193, 195, and 12 and ½ feet by parallel lines off the entire east ½ of Lot 191, Poinciana Park an addition to the Town of Palm Beach Florida according to the Plat thereof on file in the office of the Clerk of the Circuit Court in an for Palm Beach County, Florida, Plat Book 6, Page 1.

2. Prior to the ad valorem tax exemption described herein being effective, Glenn and Diane Zeitz 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: 
Asst. County Attorney

BY: _____
Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2007, by Glenn A. and Diane R. Zeitz (hereinafter referred to as the Owners) and in favor of Palm Beach County (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at 142 Seabreeze Ave. Palm Beach, FL which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of a local preservation ordinance or is a contributing property 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 property, as defined in the National Register nomination or local designation report for the property or the district in which it is located are X architecture, _____ history, _____ 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:

Lots 193, 195, and 12 and 1/2 feet by parallel lines off the entire east 1/2 of Lot 191, Poinciana Park an addition to the Town of Palm Beach Florida according to the Plat thereof on file in the office of the Clerk of the Circuit Court in an for Palm Beach County, Florida, Plat Book 6, Page 1.

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:

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480
Phone: (561) 838-5430

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

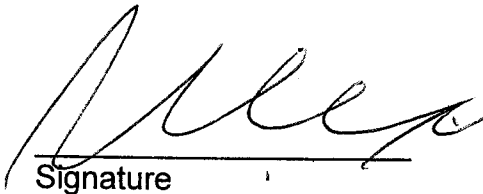
gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to 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.

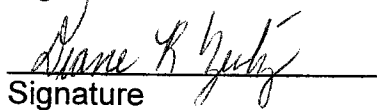
OWNER(S):

Glenn A. Zeitz
Name


Signature

1/30/07
Date

Diane R. Zeitz
Name


Signature

1/30/07
Date

IN WITNESS WHEREOF, the Owner and Local Government have executed or have caused this Agreement.

ATTEST:

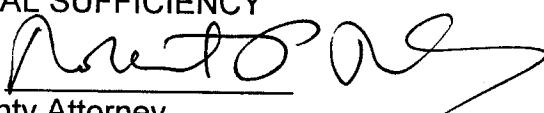
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon Bock, Clerk

BY: _____
Deputy Clerk

BY: _____
Chairperson

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 30th day of JANUARY, 2007, by GLENN A. ZEITZ and DIANE R. ZEITZ, who are personally known to me or who have produced _____, and _____, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.

Carol A. Collins

Notary Public State of Florida

Notary Print Name:

CAROL A. COLLINS

My Commission Expires:

9/18/2010



(NOTARY SEAL)

RESOLUTION NO. 73-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY (142 SEABREEZE AVENUE) HEREINAFTER DESCRIBED AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Ordinance 31-93 (Chapter 54, Article V Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, where those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant or agreement with the Town for the ten year term for which the exemption is granted.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The property hereinafter described in Section 2 of this Resolution, being a designated landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Ordinance 31-93.


Section 3. The landmark is owned by Glenn and Diane Zeitz , and is located at 142 Seabreeze Avenue. The property is legally described as follows:

Tax Folio Number: 50-43-43-22-06-000-1911
Legal Description: Poinciana Park E ½ of LT 191 & LTS 193 & 195

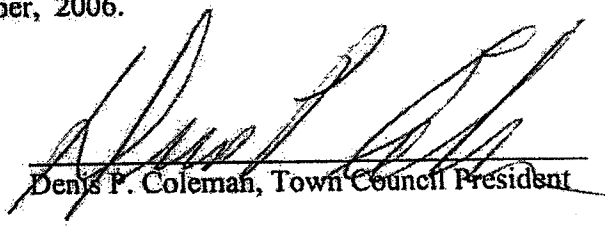
Section 4. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 5. By March 1, a copy of this Resolution with a completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Ordinance 31-93 and the Code of Ordinances of the Town of Palm Beach, Florida.

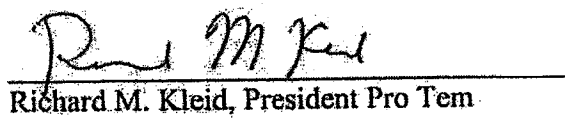
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of November, 2006.



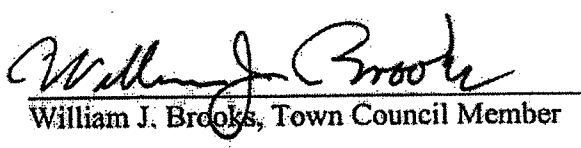
Jack McDonald, Mayor



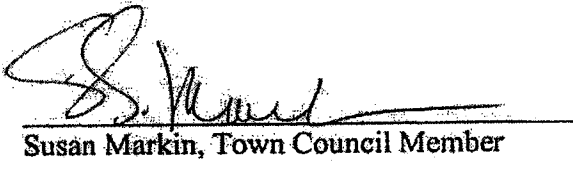
Denis F. Coleman, Town Council President



Richard M. Kleid, President Pro Tem



William J. Brooks, Town Council Member



Susan Markin, Town Council Member

ATTEST:



Susan A. Eichhorn, Town Clerk



Allen S. Wyatt, Town Council Member



Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 16 day of January, 2007, by Glenn A. And Diane Zeitz (hereinafter referred to as the Owner) and in favor of the Town of Palm Beach, Florida for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at: 142 Seabreeze Avenue, Palm Beach, Florida 33480 which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of the local preservation ordinance or is a contributing property to a National Register listed district or a contributing property to a historic district under the terms of the local preservation ordinance. The areas of significance of this property, as identified in the National Register nomination or local designation report for the property or the district in which it is located are x architecture, x history, ___ archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements.

The property is more particularly described as follows (include Tax Folio Number and Legal Description): Tax Folio Number: 50-43-43-22-06-000-1911

Poinciana Park E ½ of Lt 191 & LTS 193 & 195

In consideration of the tax exemption granted by the Town of Palm Beach, 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 local preservation ordinance.

2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission (a Certificate of Appropriateness) of the Town of Palm Beach Landmarks Commission or the Division of Historical Resources.

The address of the certified Local Historic Preservation Office is:

Town of Palm Beach, Planning, Zoning & Building Department
60 South County Road
Palm Beach, Florida 33480
561-227-6414

The address of the Division of Historical Resources is:

Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
904-487-2333

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 Landmarks Preservation Commission, an appropriate representative of the Town of Palm Beach, 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 Landmarks Preservation Commission 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 Landmarks Preservation Commission 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 time schedule agreed upon by the Owner & the Landmarks Preservation Commission.
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 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 so damaged that restoration is not feasible, the

Owner will notify the Landmarks Preservation Commission in writing of the loss. The Landmarks Preservation Commission 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 Landmarks Preservation Commission determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of Palm Beach County 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 Landmarks Preservation Commission shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the 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 Landmarks Preservation Commission. If the Owner

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 181 CLARENDON AVENUE, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owner, San K J Lee, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on June 11, 2001, for an ad valorem tax exemption for the

historic renovation and restoration of the property located at 181 Clarendon Avenue, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on June 21, 2000 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 Town tax exemption to San K J Lee, for the restoration, renovation, and improvement to the property located at 181 Clarendon Avenue, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on January 10, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to San K J Lee for the restoration, renovation, and improvement to the property located at 181 Clarendon Avenue, 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, San K J Lee, 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 181 Clarendon Avenue, Palm Beach, which property is as legally described as follows:

Vita Serena Lot 11 as recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18111, page 1883.

2. Prior to the ad valorem tax exemption described herein being effective, San K J Lee 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:

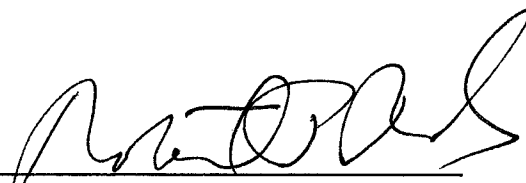
Commissioner Addie L. Greene, Chairperson
Commissioner John F. Koons, Vice Chair
Commissioner Karen T. Marcus
Commissioner Warren H. Newell
Commissioner Mary McCarty
Commissioner Burt Aaronson
Commissioner Jess R. Santamaria

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: 
Asst. County Attorney

BY: _____
Deputy Clerk

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 181 CLARENDON AVENUE, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owner, San K J Lee, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on June 11, 2001, for an ad valorem tax exemption for the

historic renovation and restoration of the property located at 181 Clarendon Avenue, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on June 21, 2000 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 Town tax exemption to San K J Lee, for the restoration, renovation, and improvement to the property located at 181 Clarendon Avenue, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on January 10, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to San K J Lee for the restoration, renovation, and improvement to the property located at 181 Clarendon Avenue, 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, San K J Lee, 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 181 Clarendon Avenue, Palm Beach, which property is as legally described as follows:

Vita Serena Lot 11 as recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18111, page 1883.

2. Prior to the ad valorem tax exemption described herein being effective, San K J Lee 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: 
Asst. County Attorney

BY: _____
Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2007, by San K J Lee (hereinafter referred to as the Owner) and in favor of Palm Beach County (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at 181 Clarendon Ave. Palm Beach, FL which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of a local preservation ordinance or is a contributing property 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 property, as defined in the National Register nomination or local designation report for the property or the district in which it is located are X architecture, _____ history, _____ 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:

Vita Serena Lot 11 as recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18111, page 1883.

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:

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480
Phone: (561) 838-5430

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

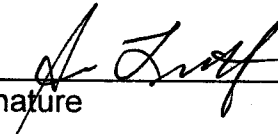
show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work 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):

San K J Lee
Name


Signature

1-21-07
Date



IN WITNESS WHEREOF, the Owner and Local Government have executed or have caused this Agreement.

ATTEST:

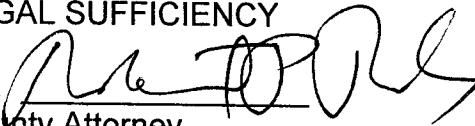
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon Bock, Clerk

BY: _____
Deputy Clerk

BY: _____
Chairperson

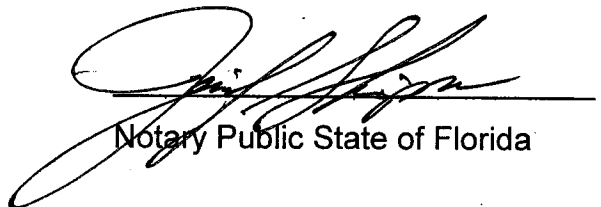
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
County Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 31st day of January, 2007 by San Lu, who are personally known to me or who have produced _____, and _____, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.


Notary Public State of Florida

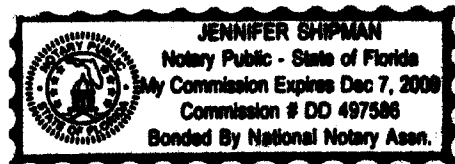
Notary Print Name:

Jennifer Shipman

My Commission Expires:

12/07/09

(NOTARY SEAL)



RESOLUTION NO: 4-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR 181 CLARENDON AVENUE AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Ordinance 31-93 (Chapter 54, Article V Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, where those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant or agreement with the Town for the ten year term for which the exemption is granted.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The property hereinafter described in Section 2 of this Resolution, being a designated landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Ordinance 31-93.


Section 2. The landmark is owned by San K J Lee, and is located at 181 Clarendon Avenue. The property is legally described as follows:

Tax Folio Number: 50-43-43-35-03-000-0110
Legal Description: Vita Serena LT 11


Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. By March 1, a copy of this Resolution with a completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Ordinance 31-93 and the Code of Ordinances of the Town of Palm Beach, Florida.

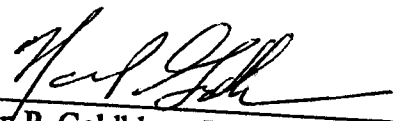
PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach, assembled this 10th day of January, 2006.



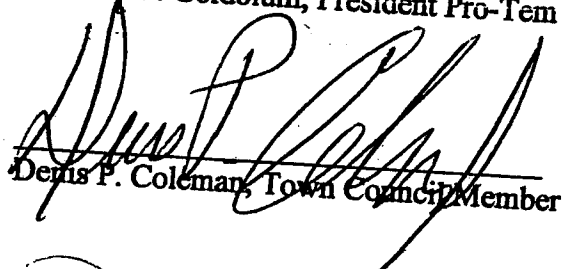
Jack McDonald, Mayor



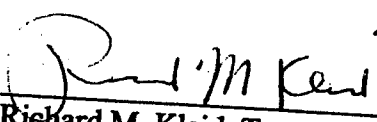
William J. Brooks, Council President




Norman P. Goldblum, President Pro-Tem



Denis P. Coleman, Town Council Member

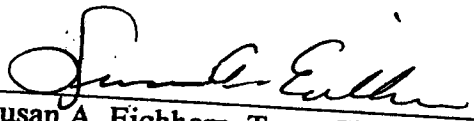


Richard M. Kleid, Town Council Member



Allen S. Wyatt, Town Council Member

ATTEST:




Susan A. Eichhorn, Town Clerk

CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH,) ss:
COUNTY OF PALM BEACH)
SUSAN A. EICHHORN, HEREBY CERTIFY THAT I am the duly qualified
Town Clerk of the Town of Palm Beach, Florida; that the above and
attached is a true and correct copy of a Document the original of which is
in the Office of the Town Clerk of the Town of Palm Beach.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my seal of said Town, this 10th day of January A.D. 2006

SEAL


SUSAN A. EICHHORN
TOWN CLERK

Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 1 day of May 2006 by San K J Lee (hereinafter referred to as the Owner) and in favor of the Town of Palm Beach, Florida for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at: 181 Clarendon Avenue, Palm Beach, Florida 33480 which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of the local preservation ordinance or is a contributing property to a National Register listed district or a contributing property to a historic district under the terms of the local preservation ordinance. The areas of significance of this property, as identified in the National Register nomination or local designation report for the property or the district in which it is located are x architecture, x history, ___ archaeology. The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows (include Tax Folio Number and Legal Description): Tax Folio Number: 50-43-43-35-03-000-0110

Vita Serena LT 11

In consideration of the tax

exemption granted by the Town of Palm Beach, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2006 to December 31, 2015:

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 local preservation ordinance.

2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission (a Certificate of Appropriateness) of the Town of Palm Beach Landmarks Commission or the Division of Historical Resources.

The address of the certified Local Historic Preservation Office is:

Town of Palm Beach, Planning, Zoning & Building Department
60 South County Road
Palm Beach, Florida 33480
561-227-6414

The address of the Division of Historical Resources is:

Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
904-487-2333

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 Landmarks Preservation Commission, an appropriate representative of the Town of Palm Beach, 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 Landmarks Preservation Commission 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 Landmarks Preservation Commission 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 time schedule agreed upon by the Owner & the Landmarks Preservation Commission.
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 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 so damaged that restoration is not feasible, the Owner will notify the Landmarks Preservation Commission in writing of the loss. The Landmarks Preservation Commission 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 Landmarks Preservation Commission determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of Palm Beach County 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.

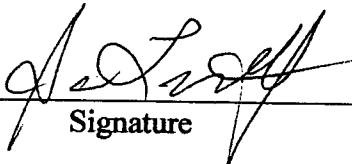
8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Landmarks Preservation Commission shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the 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 Landmarks Preservation Commission. If the Owner does not complete the restoration work on the agreed upon time schedule, the Landmarks Preservation Commission 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.

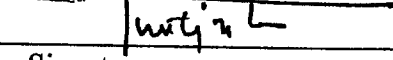
9. The terms of this Covenant shall be binding on the current Property owner, transferees, and their heirs, successors, or assigns.

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

OWNER: San K J L ee

<u>San K J Lee</u>		<u>5-19-06</u>
Name	Signature	Date

TOWN OF PALM BEACH, FLORIDA

<u>Timothy M. Frank, AICP</u>		<u>5.15.06</u>
Authorized Local Official	Signature	Date

Planning Administrator, Town of Palm Beach
Title

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 5 MIDDLE ROAD, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owners, Avram and Jill Glazer, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on May 13, 2004, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 5 Middle Road, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on May 19, 2004 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 Town tax exemption to Avram and Jill Glazer, for the restoration, renovation, and improvement to the property located at 5 Middle Road, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on January 13, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to Avram and Jill Glazer for the restoration, renovation, and improvement to the property located at 5 Middle Road, 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, Avram and Jill Glazer, 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 5 Middle Road, Palm Beach, which property is as legally described as follows:

Lots 35, 37, 38 and 39, Singer Addition to The Town of Palm Beach, 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 81.

2. Prior to the ad valorem tax exemption described herein being effective, Avram and Jill Glazer 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

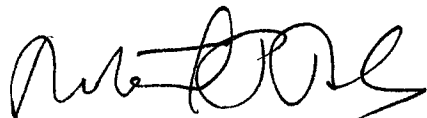
The Chairman there upon declared the Resolution duly passed and adopted this ____ Day of _____, 2007.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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

SHARON BOCK, CLERK AND COMPTROLLER

BY: _____



Asst. County Attorney

BY: _____

Deputy Clerk

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 5 MIDDLE ROAD, TOWN OF 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 Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

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

WHEREAS, this property has been certified as a qualified property by the Town of Palm Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (PB Ordinance No. 31-93); and

WHEREAS, the property owners, Avram and Jill Glazer, filed a Preconstruction Application and received preliminary approval from the Palm Beach Landmarks Preservation Commission on May 13, 2004, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 5 Middle Road, Palm Beach; and

WHEREAS, the Palm Beach Landmarks Preservation Commission reviewed the Final Application on May 19, 2004 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 Town tax exemption to Avram and Jill Glazer, for the restoration, renovation, and improvement to the property located at 5 Middle Road, Palm Beach; and

WHEREAS, the Palm Beach Town Commission on January 13, 2006, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem Town tax exemption to Avram and Jill Glazer for the restoration, renovation, and improvement to the property located at 5 Middle Road, 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, Avram and Jill Glazer, 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 5 Middle Road, Palm Beach, which property is as legally described as follows:

Lots 35, 37, 38 and 39, Singer Addition to The Town of Palm Beach, 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 81.

2. Prior to the ad valorem tax exemption described herein being effective, Avram and Jill Glazer 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: 
Asst. County Attorney

BY: _____
Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2006, by Mr. Avram Glazer and Mrs. Jill Glazer (hereinafter referred to as the Owners) and in favor of Palm Beach County (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at 5 Middle Road, City of Palm Beach, FL 33480 which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of a local preservation ordinance or is a contributing property 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 property, as defined in the National Register nomination or local designation report for the property or the district in which it is located are X architecture, _____ history, _____ 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:

Lots 35, 37, 38 and 39, Singer Addition to The Town of Palm Beach, 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 81.

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:

Town of Palm Beach
Planning, Zoning & Building Department
60 South County Road
Palm Beach, Florida 33480
Phone: (561) 227-6414

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):

Mr. Avram Glazer
Name

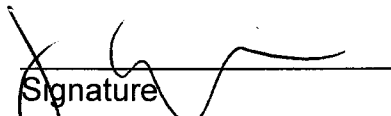


Signature

2/15/06

Date

Mrs. Jill Glazer
Name



Signature

2/15/06

Date

IN WITNESS WHEREOF, the Owner and Local Government have executed or have caused this Agreement.

ATTEST:

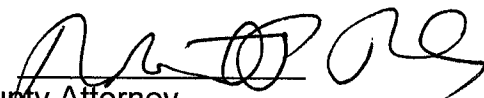
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon Bock, Clerk

BY: _____
Deputy Clerk

BY: _____
Chairperson

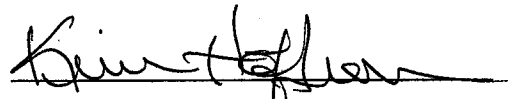
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
County Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 15th day of February, 2007, by Avram Glazer and Jill Glazer, who are personally known to me or who have produced _____, and _____, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.


Notary Public State of Florida

Notary Print Name:

My Commission Expires:



(NOTARY SEAL)

RESOLUTION NO. 3-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR 5 MIDDLE ROAD AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 31-93, ALSO KNOWN AS CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Ordinance 31-93 (Chapter 54, Article V Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, where those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant or agreement with the Town for the ten year term for which the exemption is granted.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The property hereinafter described in Section 2 of this Resolution, being a designated landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Ordinance 31-93.


Section 2. The landmark is owned by Avram and Jill Glazer, and is located at 5 Middle Road. The property is legally described as follows:

Tax Folio Number: 50-43-43-26-03-000-0350
Legal Description: Lots 35, 37, 38 and 39 Singer Addition to the Town of Palm Beach, according to the plat thereof recorded in Plat Book 8, Page 81, of the Public Records of Palm Beach County.

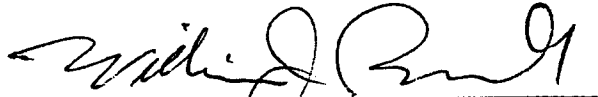
Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. By March 1, a copy of this Resolution with a completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Ordinance 31-93 and the Code of Ordinances of the Town of Palm Beach, Florida.


PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach, assembled this 10th day of January, 2006.



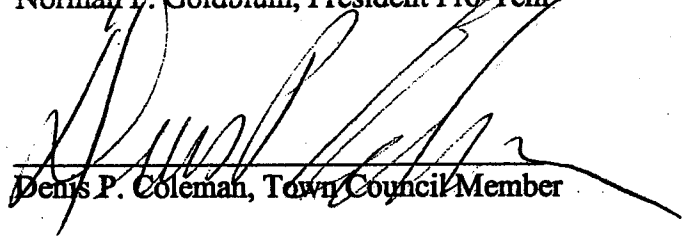
Jack McDonald, Mayor



William J. Brooks, Council President



Norman P. Goldblum, President Pro Tem




Denis P. Coleman, Town Council Member

ATTEST:



Richard M. Kleid, Town Council Member



Susan A. Eichhorn, Town Clerk



Allen S. Wyatt, Town Council Member

CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:
TOWN OF PALM BEACH)

I, SUSAN A. EICHHORN, HEREBY CERTIFY THAT I am the duly qualified and acting Clerk of the Town of Palm Beach, Florida; that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the Town Clerk of the Town of Palm Beach, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town, this 10th day of January A.D. 2006

TOWN SEAL



SUSAN A. EICHHORN
TOWN CLERK

Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 1 day of March 2006 by Avram and Jill Glazer (hereinafter referred to as the Owner) and in favor of the Town of Palm Beach, Florida for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at: 5 Middle Road, Palm Beach, Florida 33480 which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of the local preservation ordinance or is a contributing property to a National Register listed district or a contributing property to a historic district under the terms of the local preservation ordinance. The areas of significance of this property, as identified in the National Register nomination or local designation report for the property or the district in which it is located are x architecture, x history, archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements.

The property is more particularly described as follows (include Tax Folio Number and Legal

Description): Tax Folio Number: 50-43-43-26-03-000-0350 Lots 35,37,38 and 39

Singer Addition to the Town of Palm Beach, according to the plat thereof recorded in Plat Book 8, Page 81, of the Public Records of Palm Beach County.

In consideration of the tax exemption granted by the Town of Palm Beach, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2006 to December 31, 2015 :

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 local preservation ordinance.

2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission (a Certificate of Appropriateness) of the Town of Palm Beach Landmarks Commission or the Division of Historical Resources.

The address of the certified Local Historic Preservation Office is:

Town of Palm Beach, Planning, Zoning & Building Department
60 South County Road
Palm Beach, Florida 33480
561-227-6414

The address of the Division of Historical Resources is:

Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
904-487-2333

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 Landmarks Preservation Commission, an appropriate representative of the Town of Palm Beach, 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 Landmarks Preservation Commission 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 Landmarks Preservation Commission 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 time schedule agreed upon by the Owner & the Landmarks Preservation Commission.
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 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 so damaged that restoration is not feasible, the

Owner will notify the Landmarks Preservation Commission in writing of the loss. The Landmarks Preservation Commission 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 Landmarks Preservation Commission determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of Palm Beach County 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 Landmarks Preservation Commission shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the 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 Landmarks Preservation Commission. If the Owner

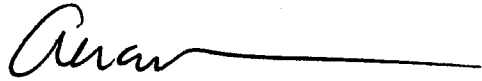
does not complete the restoration work on the agreed upon time schedule, the Landmarks Preservation Commission will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s.196.1997 (7), F.S. The Owner shall be required to pay the difference between the total 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.

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.

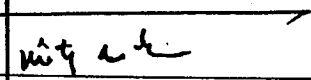
OWNERS

Avram and Jill Glazer

Avram Glazer 
Name Signature Date

Jill Glazer 
Name Signature Date

TOWN OF PALM BEACH, FLORIDA

Timothy M. Frank, AICP 
Authorized Local Official Signature Date 3.15.06

Planning Administrator, Town of Palm Beach
Title