

3J-1

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

Meeting Date: 3/23/2010

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 a County tax exemption for two (2) 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: 4 El Bravo Way
Address: 1170 South Ocean Blvd

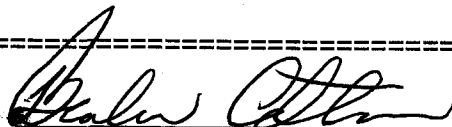
If granted the tax exemptions shall take effect January 1, 2010, and shall remain in effect for ten (10) years, or until December 31, 2019. The exemption shall apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. (Please see attached resolutions.) Based on the 2010 countywide operating millage rate, it is estimated that approximately \$3,408.90 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. Districts 2 and 7 (RB)

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

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

- Exhibit A: Property Owner List
- Exhibit B: 4 El Bravo Way Trust and Peter Broberg
- Exhibit C: Bath and Tennis Inc

Recommended By:



Executive Director

3-23-10

Date

Approved By:



Deputy County Administrator

3/4/2010

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$ 2,400</u>	<u>\$ 3,400</u>	<u>\$ 3,400</u>	<u>\$ 3,400</u>	<u>\$ 3,400</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 \$34,088.98. Based on the 2010 countywide operating millage rate, it is estimated that approximately \$3,408.90 tax dollars will be exempted annually.

C. Departmental Fiscal Review: Pat D'Agostino

III. REVIEW COMMENTS

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

[Signature] OFMB *2/26/10*
[Signature] Contract Dev. and Control *3/11/10*

B. Legal Sufficiency:

[Signature]
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 April 2, 1996, R 96 442 D, authorizing the Town of Palm Beach Historic Preservation Board 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 Historic Preservation Board. Following review of the completed improvements the city's Historic Preservation Board determined the improvements were consistent with the U.S. Secretary of Interior's Standards for Rehabilitation and recommended approval for tax exemption. The Palm Beach City Commission then granted an ad valorem town tax exemption to each historic property.

One (1) property is a privately owned residence. The second is a commercial property.

Copies of the Town of Palm Beach Historic Preservation Board Applications and other back-up information for the two properties are available for review at the County's Planning Division.

Property Owner List

ADRESS: 4 El Bravo, Palm Beach, FL 33480
OWNER: 4 EL Bravo Trust and Peter Broberg
(Residential)

ADRESS: 1170 South Ocean Blvd. Palm Beach, FL 33480
OWNER: Bath and Tennis Club Inc.
(Commercial)

RESOLUTION NO. R-2010-

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 4 EL BRAVO WAY, 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 96 442 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 (31-93); and

WHEREAS, the property owner(s) 4 EL Bravo Trust and Peter Broberg , filed a Preconstruction Application and received preliminary approval from the Town of Palm Beach Historic Preservation Board on February 21, 2007, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 4 El Bravo Way, Palm Beach and

WHEREAS, the Town of Palm Beach Historic Preservation Board reviewed the Final Application on March 21, 2007, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to 4 EL Bravo Trust and Peter Broberg for the restoration, renovation, and improvement to the property located at 4 El Bravo Way, Palm Beach, and

WHEREAS, the Town of Palm Beach Commission on November 12, 2009, determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to 4 EL Bravo Trust and Peter Broberg for the restoration, renovation, and improvement to the property located at 4 El Bravo Way, 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, 4 EL Bravo Trust and Peter Broberg for a ten year period, commencing on January 1, 2010 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 4 El Bravo Way, Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 109-09:

El Bravo Park Lot 4

2. Prior to the ad valorem tax exemption described herein being effective, 4 EL Bravo Trust and Peter Broberg 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 Burt Aaronson, Chairman
Commissioner Karen T. Marcus, Vice Chairperson
Commissioner John F. Koons
Commissioner Shelley Vana
Commissioner Steven Abrams
Commissioner Jess R. Santamaria
Commissioner Priscilla Taylor

The Chairperson there upon declared the Resolution duly passed and adopted this _____ Day of _____, 2010 .

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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

SHARON R. BOCK, CLERK & COMPTROLLER

BY:


Asst. County Attorney

BY: _____

Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2010, by 4 EL Bravo Trust and Peter Broberg, (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 El Bravo Park Lot 4, 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:

Lot 4, El Bravo Park according to the Plat thereof on file in the
office of the clerk of the circuit court in and for Palm Beach
County, Florida.

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 that is from January 1, 2010 to December 31, 2019

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 and Building Department
60 South County Road
Palm Beach, FL 33480
Telephone Number: (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

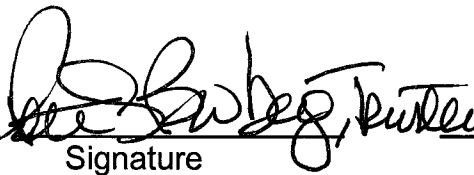
notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means omission of care that even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate 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):

4 EL Bravo Trust & Peter Broberg
Name


Signature

2.11.10
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 R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

BY: _____
Chairperson

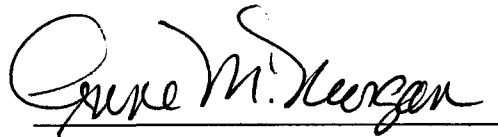
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
County Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

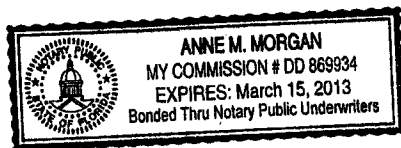
The foregoing instrument was acknowledged before me this 11th day of February, 2010, by Peter S. Broberg, Trustee, who are personally known to me or who have produced _____, and _____, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.



Notary Public State of Florida

Notary Print Name:

My Commission Expires:



(NOTARY SEAL)

RESOLUTION NO. 109-09

4 EL BRAVO WAY

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY HEREBINAFTER 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 of 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 as a 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 4 El Bravo Trust & Peter S. Broberg Trustee, and is located at 4 El Bravo Way. The property is legally described as follows:

Tax Folio Number: 50-43-43-27-05-000-0040
Legal Description: El Bravo Park Lot 4

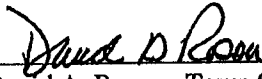
Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. By March 1, a copy of this Resolution with 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 12th day of November, 2009.



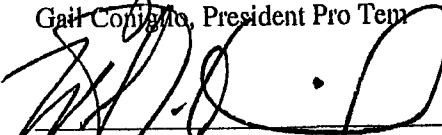
Jack McDonald, Mayor



David A. Rosow, Town Council President



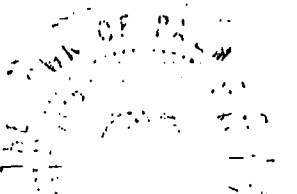
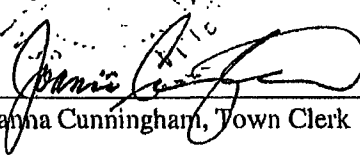
Gail Coniglio, President Pro Tem




William J. Diamond, Town Council Member



Richard M. Kleid, Town Council Member

ATTEST:



Joanna Cunningham, Town Clerk



Robert N. Wildrick, Town Council Member

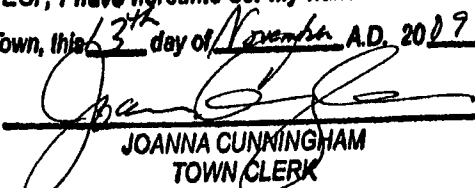
CLERK'S CERTIFICATE

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

I, Joanna Cunningham, 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 November, A.D. 2009

TOWN SEAL



JOANNA CUNNINGHAM
TOWN CLERK

Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 12 day of January 2010 by 4 El Bravo Trust & Peter S. Broberg Trustee (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: 4 El Bravo Way, 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: 50-43-43-27-05-000-0040 Lot 4, El Bravo Park, according to the Plat thereof as recorded in Plat Book 8, Page 9, of the Public Records of Palm Beach County, Florida. 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, 2010 to December 31, 2019:

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.

- 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

4 El Bravo Trust & Peter S. Broberg Trustee.

<u>Peter S. Broberg, Trustee</u>	<u>2.1.10</u>
Name	Signature
	Date

TOWN OF PALM BEACH, FLORIDA

<u>John Lindgren</u>	<u>John C. Judge II</u>	<u>2/1/10</u>
Authorized Local Official	Signature	Date

Planning Administrator, Town of Palm Beach
Title

RESOLUTION NO. R-2010-

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 1170 SOUTH OCEAN BLVD, 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 96 442 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 (31-93); and

WHEREAS, the property owner(s) Bath & Tennis Club Inc., filed a Preconstruction Application and received preliminary approval from the Town of Palm Beach Historic Preservation Board on September 17, 2007, for an ad valorem tax

exemption for the historic renovation and restoration of the property located at 1170 South Ocean BLVD Palm Beach and

WHEREAS, the Town of Palm Beach Historic Preservation Board reviewed the Final Application on December 19, 2007, for a determination that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and recommended approval to grant an ad valorem City tax exemption to Bath & Tennis Club Inc for the restoration, renovation, and improvement to the property located at 1170 South Ocean Blvd, Palm Beach, and

WHEREAS, the Town of Palm Beach Commission on November 13, 2009 determined that the completed improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and granted an ad valorem City tax exemption to Bath & Tennis Club Inc for the restoration, renovation, and improvement to the property located at 1170 South Ocean Blvd, 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, Bath & Tennis Club Inc for a ten year period, commencing on January 1, 2010 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 1170 South Ocean Blvd, Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 32-2007:

PB Causeway Park Revised Plat LTS A to M(Less Co. Rd
R/W & N 207 ft OF s 767 ft OF Gov LT 1 LYG E & Adj to
Ocean.

2. Prior to the ad valorem tax exemption described herein being effective, Bath & Tennis Club Inc 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 Burt Aaronson, Chairman
- Commissioner Karen T. Marcus Vice Chairman
- Commissioner John F. Koons
- Commissioner Shelley Vana
- Commissioner Steven Abrams
- Commissioner Jess R. Santamaria
- Commissioner Priscilla Taylor

The Chairperson there upon declared the Resolution duly passed and adopted this ____ Day of _____, 2010.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

SHARON R. BOCK, CLERK & COMPTROLLER

BY:



Asst. County Attorney

BY:

Deputy Clerk

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 2010, by Bath and Tennis Club Inc. (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 1170 South Ocean Blvd, 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:

PB Causeway Park Revised Plat LTS A to M(Less Co. Rd RW &
N 207 ft OF s 767 ft OF Gov LT 1 LYG E & Adj to Ocean.
according to the Plat thereof on file in the office of the clerk of the
circuit court in and for Palm Beach County, Florida.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption that is from January 1, 2010 to December 31, 2019

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 and Building Department
60 South County Road
Palm Beach, FL 33480
Telephone Number: (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 that 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):

Bath and Tennis Club Inc. Nancy Murray, President 2/11/10
Name Signature/Title 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 R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

BY: _____
Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: [Signature]
County Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11th day of February, 2010, by Nancy Murray, who are personally known to me or who have produced _____, and _____, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.

Marshall Gainey
Notary Public State of Florida

Notary Print Name:
Marshall Gainey

My Commission Expires:

(NOTARY SEAL)



Town of Palm Beach

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 12 day of January 2010 by The Bath and Tennis Club (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: 1170 South Ocean Boulevard, 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: 50-43-43-35-06-000-0010 Palm Beach Causeway

Park Revised Plat LTS A to M Inc (Less Co Rd R/W) & N 207 Ft of S 767 Ft. of Gov Lt 2 LYG

E & Adj to Ocean 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, 2010 to December 31, 2019:

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

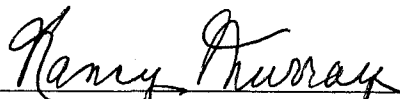
does not complete the restoration work on the agreed upon time schedule, the Landmarks Preservation Commission will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s.196.1997 (7), F.S. The Owner shall be required to pay the difference between the total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

Bath & Tennis Club, Palm Beach, Florida

<u>Harry Murray</u>		<u>2/1/2010</u>
Name	Signature	Date

TOWN OF PALM BEACH, FLORIDA

<u>John Lindgren</u>		<u>2/1/10</u>
Authorized Local Official	Signature	Date

Planning Administrator, Town of Palm Beach
Title

RESOLUTION NO. 114-09

THE BATH AND TENNIS CLUB

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY 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 of 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 as a 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.

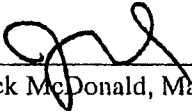
Section 2. The landmark is owned by The Bath and Tennis Club, Inc. and is located at 1170 South Ocean Boulevard. The property is legally described as follows:

Tax Folio Number: 50-43-43-35-06-000-0010
Legal Description: PB Causeway Park Revised Plat LTS A to M(Less Co. Rd R/W & N 207 ft OF s 767 ft OF Gov LT 1 LYG E & Adj to Ocean.

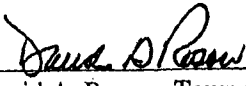
Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. By March 1, a copy of this Resolution with 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 12th day of November, 2009.



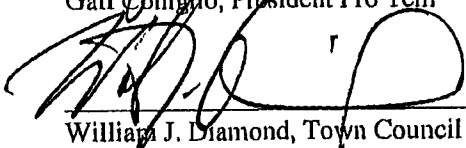
Jack McDonald, Mayor



David A. Rosow, Town Council President



Gail Coniglio, President Pro Tem

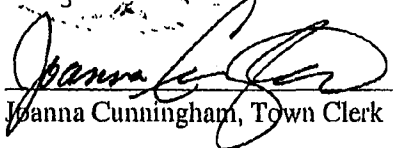


William J. Diamond, Town Council Member

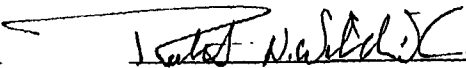


Richard M. Kleid, Town Council Member





Joanna Cunningham, Town Clerk



Robert N. Wildrick, Town Council Member

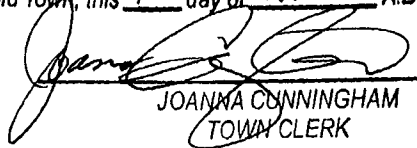
CLERK'S CERTIFICATE

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

I, Joanna Cunningham, 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 Nov. A.D. 2009

TOWN SEAL



JOANNA CUNNINGHAM
TOWN CLERK