

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

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Meeting Date: 02/03/2015	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department: Planning, Zoning, and Building Department

Submitted By: Planning Division

Submitted For: Planning Division

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to: **A) adopt** a resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting a County tax exemption for a historic property located within the Town of Palm Beach; and **B) approve** restrictive covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

**Summary:** The resolution will authorize a County tax exemption for the following historic property located within the Town of Palm Beach:

Address: 159 Australian Avenue (Residential)

If granted, the tax exemption shall take effect January 1, 2015, and shall remain in effect for 10 years, or until December 31, 2024. The exemption shall apply to 100 percent of the assessed value of all improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. Actual exemption amounts will be based upon the Countywide Millage Rate on a yearly basis. It is estimated that approximately \$6,184 tax dollars will be exempted annually based on the 2015 Countywide Millage Rate. Accompanying the resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 1 (RPB)

**Background and Policy Issues:** On October 17, 1995, the BCC adopted a historic property tax exemption ordinance, Ordinance No. 95-41, applicable countywide. 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 property within the Town.

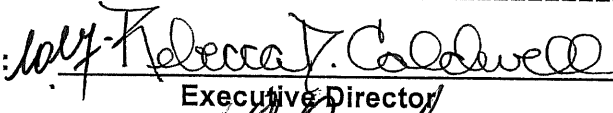
The historic property has filed preconstruction application and final application with the Town of Palm Beach Historic Preservation Board. Following review of the completed improvements, the Town's Historic Preservation Board determined the improvements were consistent with the U.S. Secretary of Interior's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

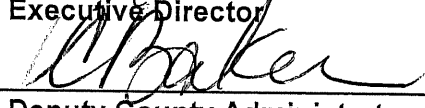
The property is privately owned for residential use.

Copies of the Town of Palm Beach Landmarks Preservation Commission and other backup information for the property are available for review at the County's Planning Division.

**Attachments for the property:**

1. Property Owner List
  2. Resolution (2 copies)
  3. Historic Preservation Property Tax Exemption Covenant (1 copy)
  4. Town of Palm Beach Historic Tax Exemption Resolution (1 copy)
  5. Tax Break Down by Property, Annual and 10 Year Total
- =====

Recommended By:		1/8/15
	Executive Director	Date

Approved By:		1/29/15
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>\$6,184</u>	<u>\$6,184</u>	<u>\$6,184</u>	<u>\$6,184</u>	<u>\$6,184</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* \$6,184</u>	<u>\$6,184</u>	<u>\$6,184</u>	<u>\$6,184</u>	<u>\$6,184</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 the 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 the structure. The estimated improvement costs attributed solely to work on these historic building totals \$1,293,359. Estimated exemption will be based upon the Countywide Millage Rate (4.7815), it is estimated that approximately \$6,184 tax dollars will be exempted annually.

The estimated total tax exempted for the 10 years ending December 31, 2024, is \$61,840 (\$6,184 x 10).

C. Departmental Fiscal Review: Pat Delgado

III. REVIEW COMMENTS

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

Susan Neary 1/9/15  
ASD OFMB  
1/9

J. J. Jacobus 1/26/15  
Contract Dev. and Control  
1-26-15 Michael

B. Legal Sufficiency:

[Signature]  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

**PROPERTY OWNER LIST**

**2015 Town of Palm Beach  
Historic Property Tax Exemption**

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

Owners:     Allan W. Kauffman and Susan M. Kauffman,  
              Allan and Susan Kauffman TR TITL HOLDERS,  
              Allan W. Kauffman TR, Susan M. Kauffman TR

Property:    159 Australian Avenue  
              Palm Beach, FL 33480

Use:         Residential

**RESOLUTION NO. R-2015-  
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 159  
AUSTRALIAN AVENUE, 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 (Ordinance No. 31-93); and,

**WHEREAS**, the property owner(s), Allan W. Kauffman, Susan M. Kauffman, Allan and Susan Kauffman TR TITL Holders, Allan W. Kauffman TR, and Susan M. Kauffman TR, filed a Preconstruction Application and received preliminary approval from the Town of Palm Beach Historic Preservation Board on November 12,

2012, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 159 Australian Avenue, Palm Beach and,

**WHEREAS**, the Town of Palm Beach Historic Preservation Board reviewed the Final Application on August 5, 2014, 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 Allan W. Kauffman, Susan M. Kauffman, Allan and Susan Kauffman TR TITL Holders, Allan W. Kauffman TR, and Susan M. Kauffman TR, for the restoration, renovation, and improvement to the property located at 159 Australian Avenue, Palm Beach, and,

**WHEREAS**, the Town of Palm Beach Commission on September 10, 2014, 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 Allan W. Kauffman, Susan M. Kauffman, Allan and Susan Kauffman TR TITL Holders, Allan W. Kauffman TR, and Susan M. Kauffman TR, for the restoration, renovation, and improvement to the property located at 159 Australian 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 owner(s) Allan W. Kauffman, Susan M. Kauffman, Allan and Susan Kauffman TR TITL Holders, Allan W. Kauffman TR, and Susan M. Kauffman TR, for a 10-year period, commencing on January 1, 2015, 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 159 Australian Avenue, Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 96-08:

ROYAL PARK ADD LT 41 & W 1/2 OF LT 42 BLK H, as recorded in the Public Records of Palm Beach County, Florida.

2. Prior to the ad valorem tax exemption described herein being effective, Allan W. Kauffman, Susan M. Kauffman, Allan and Susan Kauffman TR TITL Holders, Allan W. Kauffman TR, and Susan M. Kauffman TR, 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:

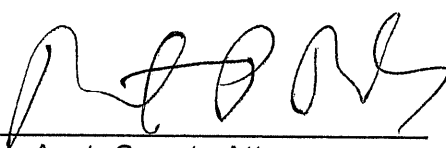
Commissioner Shelley Vana, Mayor  
Commissioner Mary Lou Berger, Vice Mayor  
Commissioner Hal R. Valeche  
Commissioner Paulette Burdick  
Commissioner Steven L. Abrams  
Commissioner Melissa McKinlay  
Commissioner Priscilla A. Taylor

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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 \_\_\_\_\_, 2015, by Allan W. Kauffman, Susan M. Kauffman, Allan and Susan Kauffman TR TITL Holders, Allan W. Kauffman TR, and Susan M. Kauffman TR, (hereinafter referred to as the Owner(s) 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 159 Australian Avenue, Palm Beach, FL, which is owned in fee simple by the Owner(s) 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,   x   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:

ROYAL PARK ADD LT 41 & W 1/2 OF LT 42 BLK H as recorded in the Public Records of Palm Beach County, Florida.

In consideration of the tax exemption granted by the Local Government, the Owner(s) hereby agrees to the following for the period of the tax exemption which is from January 1, 2015 to December 31, 2024.

- 1. The Owner(s) agree 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(s) agree 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(s) agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner(s) 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(s) agree 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(s) 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(s) 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(s) 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(s) 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(s) 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(s) 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(s) 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(s).

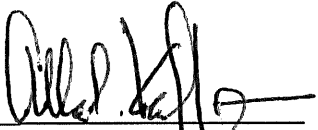
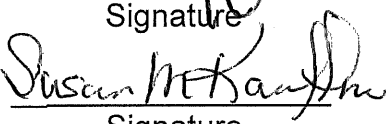
8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner(s), the Local Historic Preservation Office shall notify the Owner(s) 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(s) 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(s) 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(s) 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(s) and the Local Historic Preservation Office. If the Owner(s) 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(s) 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(s), transferees, and their heirs, successors, or assigns.

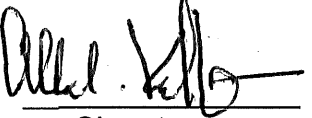
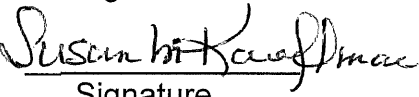


This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER(S):

<u>Allan W. Kauffman</u> Name	 Signature	<u>27 OCT 2014</u> Date
<u>Susan M. Kauffman</u> Name	 Signature	<u>Oct. 27, 2014</u> Date

<u>Allan &amp; Susan Kauffman TR</u> <u>TITL HLDRS</u> Name	  Signature	<u>27 OCT 2014</u> <u>Oct 27, 2014</u> Date
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<u>Allan W. Kauffman TR</u> Name	 Signature	<u>27 OCT 2014</u> Date
<u>Susan M. Kauffman TR</u> Name	 Signature	<u>Oct. 27, 2014</u> Date

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

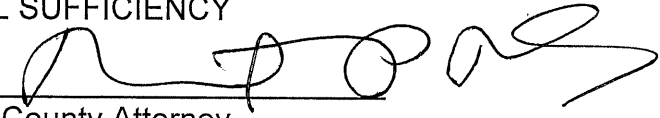
ATTEST:

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: _____ Deputy Clerk	BY: _____ Mayor
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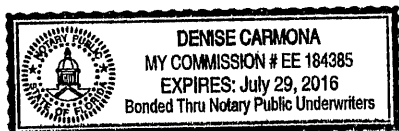
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY:   
County Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27 day of October, 2014 by Allan W. Kauffman + Susan M. Kauffman who are personally known to me or who have produced FL DR Lic., and \_\_\_\_\_, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.



A handwritten signature of Denise Carmona, consisting of a stylized 'D' and 'C'.

Notary Public State of Florida

Notary Print Name:

Denise Carmona

My Commission Expires:

7/29/16

(NOTARY SEAL)

**RESOLUTION NO. 151-2014**

159 Australian Avenue

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR 159 AUSTRALIAN AVENUE AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN 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 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, 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 Chapter 54, Article V.

Section 2. The landmark is owned by Allan W. and Susan M. Kauffman and is located at 159 Australian Avenue, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-23-05-028-0410

Legal Description: ROYAL PARK ADD LT 41 & W ½ OF LOT 42 BLK H

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

Section 4. 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 Chapter 54 of the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjournment session of the Town Council of the Town of Palm Beach assembled this 10th day of September, 2014.

ABSENT  
Gail L. Coniglio, Mayor

ABSENT  
Robert M. Wilfrick, Town Council President

William A. Diamond, Council President Pro-Tem

Michael A. Pucillo, Town Council Member

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



Page 2 of 2

Resolution No. 151-2014

**Attachment 5**  
**Tax Break Down By Property, Annual and 10 Year Total**  
**2015 Town of Palm Beach County Tax Exemption**

Property	Total Cost of Improvements	Estimated Improvement Costs to Historic Buildings	Annual	10 YearTotal
159 Australian Ave	\$1,293,359.00	1,293,359.00	6,184	61,842
<b>Total</b>	<b>\$1,293,359.00</b>	<b>\$1,293,359.00</b>	<b>6,184</b>	<b>61,842</b>

Local government millage rate = 4.7815 **\$6,184.20**  
(estimated improvement cost) x (.0047815) = (annual estimated tax dollars exempted)