

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	March 13, 2018	<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				

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 1 South County Road, Palm Beach, (Commercial).
- B) **Approve** a restrictive covenant for 1 South County Road, Palm Beach, (Commercial) requiring the qualifying improvements be maintained during the period that the tax exemption is granted.
- C) **Adopt** a resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, granting a County tax exemption for 350 Worth Avenue, Palm Beach, (Commercial).
- D) **Approve** a restrictive covenant for 350 Worth Avenue, Palm Beach, (Commercial) 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 properties located within the Town of Palm Beach: 1 South County Road, (property is privately owned for commercial use) and 350 Worth Avenue, (property is privately owned for commercial use).

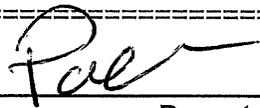
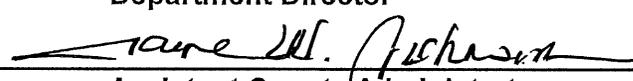
If granted, the tax exemption shall take effect January 1, 2018, and shall remain in effect for 10 years, or until December 31, 2027. The exemption shall apply to 100 percent of the assessed value of all improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. The estimated total tax exempted for the 10 years ending December 31, 2027, is \$207,134. Actual exemption amounts will be based upon the Countywide Millage rate on a yearly basis. It is estimated that approximately \$20,713 tax dollars will be exempted annually based on the 2018 Countywide Millage Rate. 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 & 7 (RPB)

**Background and Justification:** 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 properties within the Town.

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

**Attachments:**

- 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:	<u></u>	<u>2/16/18</u>
	Department Director	Date
Approved By:	<u></u>	<u>2/27/18</u>
	Assistant County Administrator	Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues	\$20,713	\$20,713	\$20,713	\$20,713	\$20,713
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT *	\$20,713	\$20,713	\$20,713	\$20,713	\$20,713
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget?                      Yes        No ✕  
 Does this item include the use of federal funds?      Yes        No ✕

**Budget Account No:**

Fund            Agency            Organization            Object

**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 each property. The overall County impact is a reduction of collectable taxes. Tax revenue is to be reduced at the most by the tax on the improvements made to the structure. The estimated improvement costs attributed solely to work to these historic buildings totals \$4,332,000. Estimated exemption will be based upon the Countywide Millage Rate (4.7815), it is estimated that approximately \$20,713 tax dollars will be exempted annually.

The estimated total tax exempted for the 10 years ending December 31, 2027, is \$207,134 (\$20,713.46 x 10).

**C. Departmental Fiscal Review:**

*Sub DeGasimo*

**III. REVIEW COMMENTS:**

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

*Lisa Pone* 2/12/18  
 OFMB 2/19/18 2/18/18

*John S. Jaudon*  
 Contract Dev. & Control 2/13/18 2/13/18

**B. Legal Sufficiency**

*[Signature]*  
 Assistant County Attorney

**C. Other Department Review**

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

**PROPERTY OWNER LIST**

**2018 Town of Palm Beach  
Historic Property Tax Exemption**

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

Owners: Breakers Palm Beach, Inc.

Property: 1 South County Road  
Palm Beach, FL 33480

Use: Commercial Hotel

RESOLUTION NO. R-2018-

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, 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) the Breakers Palm Beach, Inc., filed a Preconstruction Application and received preliminary approval from the Town of

Palm Beach Historic Preservation Board on July 23, 2015, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 1 South County Road (South Ocean Tower Renovations), Palm Beach and,

**WHEREAS**, the Town of Palm Beach Historic Preservation Board reviewed the Final Application on January 11, 2017, 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 the Breakers Palm Beach, Inc., for the restoration, renovation, and improvement to the property located at 1 South County Road (South Ocean Tower Renovations), Palm Beach, and,

**WHEREAS**, the Town of Palm Beach Commission on March 15, 2017 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 the Breakers Palm Beach, Inc., for the restoration, renovation, and improvement to the property located at 1 South County Road (South Ocean Tower Renovations), 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, the Breakers Palm Beach, Inc., for a ten year period, commencing on January 1, 2018 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 (South Ocean Tower Renovations), Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 39-2017:

BREAKERS ROW PL NO 1 REPL TR 4, according to the Public Records of Palm Beach County, Florida.

2. Prior to the ad valorem tax exemption described herein being effective, the Breakers Palm Beach, 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 Melissa McKinlay, Mayor  
Commissioner Mack Bernard, Vice Mayor  
Commissioner Hal R. Valeche  
Commissioner Paulette Burdick  
Commissioner Dave Kerner  
Commissioner Steven L. Abrams  
Commissioner Mary Lou Berger

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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 \_\_\_\_\_, 20\_\_\_\_, by The Breakers Palm Beach Inc. (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 One South County Road, 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,   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:

BREAKERS ROW PLAT NO. 1 – REPLAT TR 4, according to the plat thereof, as recorded in the Public Records of Palm Beach County, Florida.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption that is from January 1, 2018 to December 31, 2027

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.

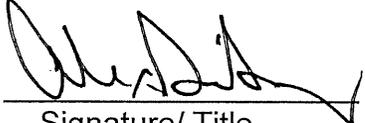
7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made property eligible for listing in the National Register of Historic 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): The Breakers Palm Beach Inc.

Alex Gilmurray		12/4/17
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: \_\_\_\_\_  
Mayor

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 4<sup>th</sup> day of December, 2017 by Alex Gilmurray, who are personally known to me or who have produced \_\_\_\_\_, and \_\_\_\_\_, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.

Maria F. LaForte

Notary Public State of Florida

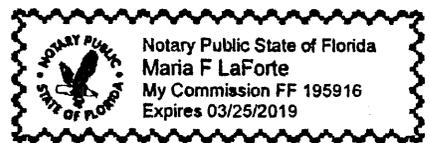
Notary Print Name:

Maria F. LaForte

My Commission Expires:

03/25/2019

(NOTARY SEAL)



**RESOLUTION NO. 39-2017**

Breakers Hotel, One South County Road

South Ocean Tower Renovations

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, ONE SOUTH COUNTY ROAD (SOUTH OCEAN TOWER RENOVATIONS) 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 Breakers Palm Beach Inc. and is located at One South County Road, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-22-24-004-0000

Legal Description: BREAKERS ROW PL NO 1 REPL TR 4

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

For Town of Palm Beach Use only

Property Identification Number: 50.43.43.22.24.004.0000

Property Address: One South County Road

The Landmarks Preservation Commission has reviewed Part 2 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application for the above named property and hereby:

- Determines that the completed improvements to the above referenced property are consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the criteria set forth in Chapter 1A-38, F.A.C., and, therefore, recommends approval of the requested historic preservation tax exemption.
- Determines that the completed improvements to the above referenced property are not consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the criteria set forth in Chapter 1A-38, F.A.C., and, therefore, recommends denial of the requested historic preservation tax exemption for the reasons stated in the Review Comments below.

Review Comments:

Signature: Emily Stipinas  
Typed or printed name: Emily Stipinas, Murphy Stipinas LLC  
Title: Historic Preservation Consultant for Town of Palm Beach  
Date: 1/25/17

**PROPERTY OWNER LIST**

**2018 Town of Palm Beach  
Historic Property Tax Exemption**

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

Owners: Everglades Club, Inc.

Property: 350 Worth Avenue  
Palm Beach, FL 33480

Use: Commercial

RESOLUTION NO. R-2018-

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 350 WORTH 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 (31-93); and,

**WHEREAS**, the property owner(s) Everglades Club Inc., filed a Preconstruction Application and received preliminary approval from the Town of Palm

Beach Historic Preservation Board on April 20, 2016, for an ad valorem tax exemption for the historic renovation and restoration of the property located at 350 Worth Avenue (Main Lounge Ceiling Renovation), Palm Beach and,

**WHEREAS**, the Town of Palm Beach Historic Preservation Board reviewed the Final Application on November 14, 2016, 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 Everglades Club Inc., for the restoration, renovation, and improvement to the property located at 350 Worth Avenue (Main Lounge Ceiling Renovation), Palm Beach, and,

**WHEREAS**, the Town of Palm Beach Commission on March 15, 2017 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 Everglades Club Inc., for the restoration, renovation, and improvement to the property located at 350 Worth Avenue (Main Lounge Ceiling Renovation), 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, Everglades Club Inc., for a ten year period, commencing on January 1, 2018 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 350 Worth Avenue (Main Lounge Ceiling Renovation), Palm Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 38-2017:

ROYAL PARK ADD LTS 1 THRU 18 BLK 19 & UN#D LT LYG BET BLKS 19 & 20 (LESS W 25 FT) & 27-43-43, FILLED LANDS LYG WLY OF & ADJ TO LT 1 BLK 19 & SLY OF & ADJ TO UN#D LT LYG BET BLKS 19 & 20 (LESS W 25 FT), according to the Public Records of Palm Beach County, Florida.

2. Prior to the ad valorem tax exemption described herein being effective, Everglades 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 Melissa McKinlay, Mayor  
Commissioner Mack Bernard, Vice Mayor  
Commissioner Hal R. Valeche  
Commissioner Paulette Burdick  
Commissioner Dave Kerner  
Commissioner Steven L. Abrams  
Commissioner Mary Lou Berger

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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 \_\_\_\_\_, 20\_\_, by Everglades Club Inc., (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 350 Worth Avenue, 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,   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 LTS 1 THRU 18 BLK 19 & UN#D LT LYG BET BLKS 19 & 20 (LESS W 25 FT) & 27-43-43, FILLED LANDS LYG WLY OF & ADJ TO LT 1 BLK 19 & SLY OF & ADJ TO UN#D LT LYG BET BLKS 19 & 20 (LESS W 25 FT) according to the plat thereof, as recorded in the Public Records of Palm Beach County, Florida.

In consideration of the tax exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2018 to December 31, 2027.

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

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.

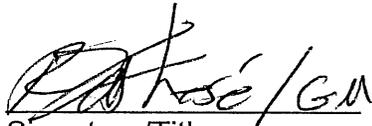
8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance 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):

Everglades Club Inc.  
Name

  
Signature/Title

11-17-17  
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: \_\_\_\_\_  
Mayor

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 20 day of November, 2017 by Scott Lesc, who are personally known to me or who have produced \_\_\_\_\_, and \_\_\_\_\_, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.

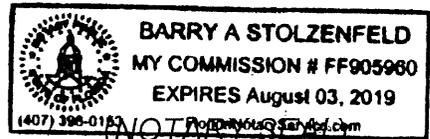
  
Notary Public State of Florida

Notary Print Name:

Barry A. Stolzenfeld

My Commission Expires:

8/03/19





**THE EVERGLADES CLUB**

RESOLUTION OF THE  
BOARD OF DIRECTORS  
OF THE EVERGLADES CLUB, INC.

We hereby certify, that we are duly elected and qualified officers of The Everglades Club, Inc. (the "Club"), and members of the Executive Committee appointed by the Board of Directors of The Everglades Club, Inc. (the "Board"), and that the following Resolutions were resolved by unanimous consent of the Board and that such Resolutions have not been rescinded, altered, or repealed. The members of the Executive Committee of the Board do hereby adopt the following Resolution this 4<sup>th</sup> day of December, 2017.

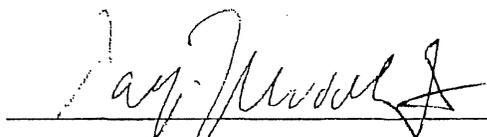
**WHEREAS**, the Board is now desirous of authorizing Richard Scott Lesé as an authorized representative, with full signing authority with regards to any and all documents related to applications for Historic Preservation Tax Exemption, including but not limited to the Historic Preservation Tax Exemption Covenant, of the Everglades Club Inc. Such authorization is retroactively approved as of January 1, 2009.

**BE IT FURTHER RESOLVED**, the Board is now desirous to approve action deemed necessary to carry out the changes specified in the above and that the proper officers of the Club be and hereby are authorized and instructed to take any further action and to execute any instructions deemed necessary and desirable to carry into effect such Resolution.

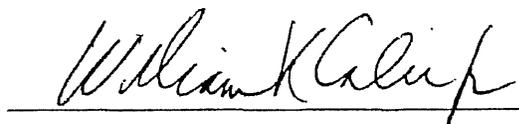
**WITNESS**, the signatures of the undersigned, who are members of the Executive Committee this 4<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_

George E. Summers, President/Chairman

  
\_\_\_\_\_

Paul L. Maddock, Jr., Vice President/Secretary

  
\_\_\_\_\_

William K. Caler, Jr., Treasurer

356 WORTH AVENUE PALM BEACH, FLORIDA 33480 561 655-7810

**RESOLUTION NO. 38-2017**

Everglades Club, 350 Worth Avenue  
Main Lounge Ceiling Renovation

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR 350 WORTH AVENUE, THE EVERGLADES CLUB (MAIN LOUNGE CEILING RENOVATION) 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 The Everglades Club Inc. and is located at 350 Worth Avenue, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-23-05-019-0010

Legal Description: ROYAL PARK ADD LTS 1 THRU 18 BLK 19 & UN#D LT LYG BET BLKS 19 & 20 (LESS W 25 FT) & 27-43-43, FILLED LANDS LYG WLY OF & ADJ TO LT 1 BLK 19 & SLY OF & ADJ TO UN#D LT LYG BET BLKS 19 & 20 (LESS W 25 FT)

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

For Town of Palm Beach Use only

Property Identification Number: 50.43.43.23.05.019.0010

Property Address: 350 Worth Avenue

The Landmarks Preservation Commission has reviewed Part 2 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application for the above named property and hereby:

Determines that the completed improvements to the above referenced property are consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the criteria set forth in Chapter 1A-38, F.A.C., and, therefore, recommends approval of the requested historic preservation tax exemption.

Determines that the completed improvements to the above referenced property are not consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the criteria set forth in Chapter 1A-38, F.A.C., and, therefore, recommends denial of the requested historic preservation tax exemption for the reasons stated in the Review Comments below.

Review Comments:

Signature: Emily Stillings  
Typed or printed name: Emily Stillings, Murphy Stillings LLC.  
Title: Historic Preservation Consultants for Town of Palm Beach  
Date: 11/14/16

**Attachment 5  
 Tax Break Down By Property, Annual and 10 Year Total  
 2018 Town of Palm Beach County Tax Exemption**

Property	Total Cost of Improvements	Estimated Improvement Costs to Historic Buildings	Annual	10 Year Total
One South County Rd	\$3,500,000.00	\$3,500,000.00	\$16,735.25	\$167,352.50
350 Worth Avenue	\$1,839,390.00	\$832,000.00	\$3,978.21	\$39,782.08
<b>Total</b>	<b>5,339,390.00</b>	<b>4,332,000.00</b>	<b>\$20,713.46</b>	<b>\$207,134.58</b>

Local government millage rate = 4.7815  
 (estimated improvement cost) x (.0047815) = (annual estimated tax dollars exempted)