

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: May 3, 2022

<input checked="" type="checkbox"/> [X]	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 of Palm Beach County, Florida, granting a County tax exemption for the historic rehabilitation of the property located at 1020 South Lakeside Drive, Lake Worth Beach.
- B) **Approve** a tax exemption covenant for 1020 South Lakeside Drive, Lake Worth Beach, requiring the qualifying improvements be maintained during the 10-year period that the tax exemption is granted.

Summary: The resolution will authorize a County tax exemption for the following historic property located within the City of Lake Worth Beach: 1020 South Lakeside Drive, (property is privately owned for residential use).

If granted, the tax exemption shall take effect January 1, 2022, and shall remain in effect for 10 years, or until December 31, 2031. 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, 2031, is \$17,666.06. Actual exemption amounts will be based upon the Countywide Millage rate on a yearly basis. It is estimated that approximately \$1,766.61 tax dollars will be exempted annually based on the 2022 Countywide Millage Rate. Accompanying each resolution is a Lake Worth Beach approved restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 7 (DL)

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 Board of County Commissioners on February 3, 1998, R 98 170 D, authorizing the City of Lake Worth Beach Historic Preservation Board to perform the required review to implement the tax exemption ordinance on improvements to historic landmark properties within the City.

Copies of the City of Lake Worth Beach Landmarks Preservation Commission and other backup information for the property 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. City of Lake Worth Beach Historic Tax Exemption Resolution (1 copy)
5. Tax Break Down by Property, Annual and 10 Year Total

Recommended by: _____

Department Director

4/13/2022
Date

Approved By: _____

Assistant County Administrator

4/19/22
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues	\$1,766	\$1,766	\$1,766	\$1,766	\$1,766
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	\$1,766	\$1,766	\$1,766	\$1,766	\$1,766
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

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

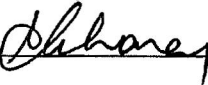
Budget Account No:
Fund Agency Organization Object

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 \$369,467.00 Estimated exemption will be based upon the Countywide Millage Rate (4.7815), it is estimated that approximately \$1,766.61 tax dollars will be exempted annually.

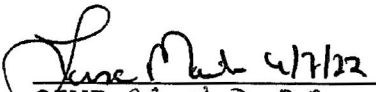
The estimated total tax exempted for the 10 years ending December 31, 2031, is \$17,666.06 (\$1,766.61 x 10).

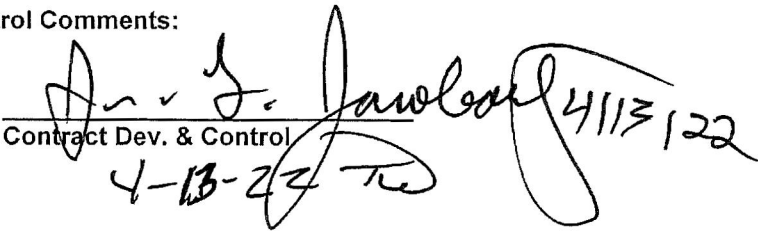
C. Departmental Fiscal Review:



III. REVIEW COMMENTS:

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


OFMB 4/7/22
4-7-22
MG 4/7/22


Contract Dev. & Control
4-13-22 TW

B. Legal Sufficiency

Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

PROPERTY OWNER LIST

**2022 City of Lake Worth Beach
Historic Property Tax Exemption**

Property Owner - Address - Use of Building

Owner(s): Lewis Makepeace and Nathalie Makepeace

Property: 1020 South Lakeside Drive
 Lake Worth Beach, FL 33460

Use: Residential

RESOLUTION NO. R-2022-

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 1020 SOUTH LAKESIDE DRIVE, LAKE WORTH 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 have 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 have approved an interlocal agreement with the City of Lake Worth Beach (R-98 170 D) for implementation of tax exemptions on improvements to historic landmark properties; and,

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

WHEREAS, this property has been certified as a qualified property by the City of Lake Worth Beach based on the fact that the property is a locally designated historic property or landmark, in accordance with local historic preservation ordinance (LW Ordinance No. 97-26); and,

WHEREAS, the property owner(s), Lewis Makepeace and Nathalie Makepeace, filed a Preconstruction Application and received preliminary approval from the City of Lake Worth Beach Historic Preservation Board on September 11, 2019, for

an ad valorem tax exemption for the historic renovation and restoration of the property located at 1020 South Lakeside Drive, Lake Worth Beach; and,

WHEREAS, the City of Lake Worth Beach Historic Preservation Board reviewed the Final Application on September 8, 2021, 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 Lewis Makepeace and Nathalie Makepeace, for the restoration, renovation, and improvement to the property located at 1020 South Lakeside Drive, Lake Worth Beach; and,

WHEREAS, the City of Lake Worth Beach City Commission on January 4, 2022, 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 Lewis Makepeace and Nathalie Makepeace, for the restoration, renovation, and improvement to the property located at, 1020 South Lakeside Drive, Lake Worth 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 approve an ad valorem County tax exemption to the property owner, Lewis Makepeace and Nathalie Makepeace, for a 10-year period, commencing on the January 1, 2022, 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 1020 South Lakeside Drive, Lake Worth Beach, which property is as legally described as follows and which improvements are described in HPB Case No. 19-00100107:

TOWN OF LAKE WORTH BEACH LOT 1 BLOCK 42,
according to the Plat thereof, on file, in the office of the
Clerk of the Circuit Court, Plat Book 5, Pages 6 through
9, thereof as recorded, in the Public Records of Palm
Beach County, Florida.

2. Prior to the ad valorem tax exemption described herein being effective, Lewis Makepeace and Nathalie Makepeace, 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 Robert S. Weinroth, Mayor
Commissioner Gregg K. Weiss, Vice Mayor
Commissioner Maria G. Marino
Commissioner Dave Kerner
Commissioner Maria Sachs
Commissioner Melissa McKinlay
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2022.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: _____
Asst. County Attorney

BY: _____
Deputy Clerk

DOS Form No. HR3E111292

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made this _____ day of _____, 20____, by Lewis Makepeace and Nathalie Makepeace, (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 1020 South Lakeside Drive, Lake Worth Beach, FL 33460, 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:

ADD 1 TO TOWN OF LAKE WORTH LOT 1 BLK 42, according to the Plat Book 5, Pages 6 through 9, 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(s) hereby agrees to the following for the period of the tax exemption which is from January 1, 2022 to December 31, 2031

1. The Owner(s) 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(s) 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 Lake Worth Beach
 Planning Zoning Historic Preservation Division
 1900 2nd Avenue North
 Lake Worth Beach, Florida 33461
 Telephone Number: (561) 586-1687

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) 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(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 which 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.

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

Joseph Abruzzo, Clerk & Comptroller

BY: _____
Deputy Clerk

BY: _____
Robert S. Weinroth, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
County Attorney

OWNER(S):

Lewis Makepeace
Name

[Signature]
Signature

2/26/22
Date

Nathalie Makepeace
Name

[Signature]
Signature

2/28/2022
Date

WITNESS: (Signature)

[Signature]

(Print name) Taylor Caroline

WITNESS: (Signature)

[Signature]

(Print name) Eric Garcia

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of February, 2022, by Lewis Makepeace and Nathalie Makepeace, who are personally known to me or who have produced FL DL, and FL DL, respectively, (indicate form of identification) (if left blank personal knowledge existed) as identification.

[Signature]

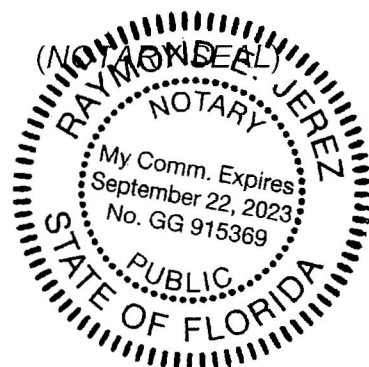
Notary Public State of Florida

Notary Print Name:

Raymond E Jerez

My Commission Expires:

09/22/2023



04-2022

RESOLUTION NO. 04-2022 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1020 SOUTH LAKESIDE DRIVE, LAKE WORTH BEACH, FLORIDA, AS A RESULT OF THE HISTORIC PRESERVATION/ REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Lake Worth Beach has adopted the Historic Preservation Program that is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City's culture and heritage; and

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

WHEREAS, Section 196.1997, Florida Statutes, establishes the process by which such exemption may be granted to property owners; and

WHEREAS, the City of Lake Worth Beach is an approved Certified Local Government to perform the review functions necessary for Historic Tax Exemption applications; and

WHEREAS, the City passed Ordinance No. 97-26, which approved an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties, which provides that upon completion of the review of a Final Application/Request for Review of Completed Work that the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Resources Preservation Board with a recommendation that the Historic Resources Preservation Board recommend approval or deny the exemption to the City Commission; and

WHEREAS, the property owners, LEWIS MAKEPEACE AND NATHALIE MAKEPEACE, filed a preconstruction application and received preliminary approval from the Historic Resources Preservation Board on September 11, 2019, for an ad valorem tax exemption upon completion of the historic renovation and restoration of the property located at 1020 South Lakeside Drive, Lake Worth Beach (the "Property"); and

WHEREAS, on September 8, 2021, the Historic Resource Preservation Board reviewed the Completed Work Application and determined that the completed improvements were consistent with the United States Secretary of Interior's *Standards for Rehabilitation*, that the requirements of Section 196.1997, Florida Statutes, have been met, and recommended granting an ad valorem City tax exemption for the Property; and

WHEREAS, the current property owner, LEWIS MAKEPEACE AND NATHALIE MAKEPEACE, signed a covenant with the City, on September 27, 2021, to maintain the qualifying improvements for the exemption period, not to exceed 10 years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

SECTION 1. The foregoing recitals are incorporated into this resolution as true and correct statements.

SECTION 2. The Property is designated as a contributing property to a historic district under the terms of the Lake Worth Beach Historic Preservation Program.

SECTION 3. The City Commission of the City of Lake Worth Beach, Florida, hereby finds that the completed improvements to the Property, as described in the application for ad valorem tax exemption filed with the City and in HRPB Case No. 19-00100107 is consistent with the United States Secretary of Interior's *Standards for Rehabilitation*, the City of Lake Worth Beach Land Development Regulations 23.5-4 and 23.5-5, and the property meets the requirements of Section 196.1997, Florida Statutes.

SECTION 4. In accordance with this finding, the City Commission hereby approves an ad valorem tax exemption for a ten-year period, commencing on January 1, 2022, and expiring December 31, 2031, from that portion of ad valorem taxes levied on the increase in assessed value resulting from the restoration, renovation, and rehabilitation improvements, for the real property described as:

Property Owner: Lewis Makepeace and Nathalie Makepeace

Address: 1020 South Lakeside Drive
Lake Worth Beach, Florida 33460

Legal Description: Add 1 to Town of Lake Worth Lot 1 Block 42.

SECTION 5. Prior to the ad valorem tax exemption described herein being effective, the Property Owner shall execute and record in the Public Records of Palm Beach County, a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring that the qualifying improvements must be maintained during the period for which the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

SECTION 6. A certified copy of this resolution shall be provided to the Palm Beach County Property Appraiser.

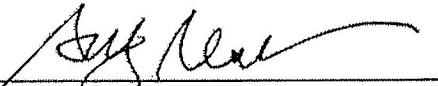
SECTION 7. This resolution shall take effect upon its passage and approval.

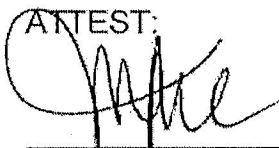
The passage of this resolution was moved by Vice Mayor Robinson, seconded by Commissioner Malega, and upon being put to a vote, the vote was as follows:

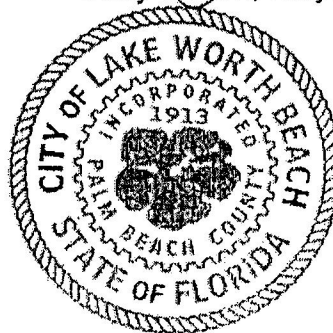
Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	AYE
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	NAY
Commissioner Kimberly Stokes	NAY

The Mayor thereupon declared this resolution duly passed and adopted on the 4th day of January 2022.

LAKE WORTH BEACH CITY COMMISSION

By: 
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk



Attachment 5
Tax Break Down By Property, Annual and 10 Year Total
2022 City of Lake Worth Beach County Tax Exemption

Property	Total Cost of Improvements	Estimated Improvement Costs to Historic Buildings	Annual	10 YearTotal
1020 South Lakeside Drive	\$427,100.00	\$369,467.00	\$1,766.61	\$17,666.06
Total	427,100.00	369,467.00	\$1,766.61	\$17,666.06

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

Note: Annual Total amount is rounded up after the decimal.